

3-1-88  
Vol. 53 No. 40  
Pages 6115-6552

# Federal Register

Tuesday  
March 1, 1988

**Briefings on How To Use the Federal Register—**  
For information on briefings in Tampa, FL, and Fort  
Lauderdale, FL, see announcement on the inside cover of  
this issue.





**FEDERAL REGISTER** Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress and other Federal agency documents of public interest. Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless earlier filing is requested by the issuing agency.

The **Federal Register** will be furnished by mail to subscribers for \$340.00 per year, or \$170.00 for 6 months in paper form, or \$188.00 per year, or \$94.00 for six months in microfiche form, payable in advance. The charge for individual copies is \$1.50 for each issue, or \$1.50 for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, or charge to your GPO Deposit Account or VISA or Mastercard.

There are no restrictions on the republication of material appearing in the **Federal Register**.

**How To Cite This Publication:** Use the volume number and the page number. Example: 53 FR 12345.

## SUBSCRIPTIONS AND COPIES

### PUBLIC

Subscriptions:	
Paper or fiche	202-783-3238
Magnetic tapes	275-3328
Problems with public subscriptions	275-3054

### Single copies/back copies:

Paper or fiche	783-3238
Magnetic tapes	275-3328
Problems with public single copies	275-3050

### FEDERAL AGENCIES

Subscriptions:	
Paper or fiche	523-5240
Magnetic tapes	275-3328
Problems with Federal agency subscriptions	523-5240

For other telephone numbers, see the Reader Aids section at the end of this issue.

## THE FEDERAL REGISTER WHAT IT IS AND HOW TO USE IT

- FOR:** Any person who uses the Federal Register and Code of Federal Regulations.
- WHO:** The Office of the Federal Register.
- WHAT:** Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
  2. The relationship between the Federal Register and Code of Federal Regulations.
  3. The important elements of typical Federal Register documents.
  4. An introduction to the finding aids of the FR/CFR system.
- WHY:** To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

### TAMPA, FL

- WHEN:** March 24; at 9:30 a.m.
- WHERE:** Auditorium  
Tampa-Hillsborough County Public Library  
900 North Ashley Drive, Tampa, FL.
- RESERVATIONS:** Call the St. Petersburg Federal Information Center on the following local numbers:
- |                |              |
|----------------|--------------|
| St. Petersburg | 813-893-3495 |
| Tampa          | 813-229-7911 |
| Orlando        | 305-422-1800 |

### FORT LAUDERDALE, FL

- WHEN:** March 25; at 10:00 a.m.
- WHERE:** Room 8 A and B  
Broward County Main Library  
100 S. Andrews Avenue, Fort Lauderdale, FL.
- RESERVATIONS:** Call the St. Petersburg Federal Information Center on the following local numbers:
- |                 |              |
|-----------------|--------------|
| Fort Lauderdale | 305-522-8531 |
| Miami           | 305-536-4155 |
| West Palm Beach | 305-833-7566 |



# Contents

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

## Administrative Office of United States Courts

### NOTICES

#### Meetings:

Governmental Processess Committee, 6167

## Agricultural Marketing Service

### RULES

Pears, plums, and peaches grown in California, 6128

Spearment oil produced in Far West, 6129

### PROPOSED RULES

Milk marketing orders:

Southwest Plains, 6158

## Agricultural Stabilization and Conservation Service

### RULES

Marketing quotas and acreage allotments:

Farms, allotments, quotas, bases, and acreages;  
reconstitution, 6119

## Agriculture Department

See Agricultural Marketing Service; Agricultural  
Stabilization and Conservation Service; Commodity  
Credit Corporation; Federal Crop Insurance  
Corporation; Federal Grain Inspection Service

## Army Department

See also Engineers Corps

### NOTICES

#### Meetings:

Science Board, 6189

## Civil Rights Commission

### NOTICES

Indian civil rights issues; hearing, 6169

## Commerce Department

See also International Trade Administration; Minority  
Business Development Agency; National Oceanic and  
Atmospheric Administration; National Technical  
Information Service

### NOTICES

Agency information collection activities under OMB review,  
6169  
(2 documents)

## Committee for the Implementation of Textile Agreements

### NOTICES

Cotton, wool, and man-made textiles:

Brazil, 6181

## Commodity Credit Corporation

### RULES

Loan and purchase programs:

Grains and similarly handled commodities, 6131

Marketing quotas and acreage allotments:

Farms, allotments, quotas, bases, and acreages;  
reconstitution, 6119

## Customs Service

### RULES

Vessels in foreign and domestic trades:

Pleasure vessels licensing list—

Turkey, 6143

## NOTICES

Automated surety interface; new information dissemination  
product availability, 6216

## Defense Department

See also Army Department; Engineers Corps

### RULES

Acquisition regulations:

Construction and services contracts; personnel

employment restrictions in Alaska and Hawaii, 6155

Federal Acquisition Regulation (FAR):

Cost comparison public review period revision, etc. (OMB  
A-76)

Correction, 6219

### NOTICES

Agency information collection activities under OMB review,  
6181Civilian health and medical program of uniformed services  
(CHAMPUS):Medicare Grouper program; DRG-based payment system  
rates, 6182

#### Meetings:

Science Board, 6189

Science Board task forces, 6189

## Drug Enforcement Administration

### NOTICES

Applications, hearings, determinations, etc.:

Bainbridge Pharmacy, 6206

Baum, Eric A., M.D., 6206

Bennett, John G., M.D., 6206

Syncon Pharmaceuticals, Inc., 6206

## Economic Regulatory Administration

### NOTICES

Natural gas exportation and importation:

Bishop Pipeline Corp., Inc., 6191

## Education Department

### NOTICES

Grants; availability, etc.:

Disabled individuals, severely; special projects and

demonstrations for providing vocational

rehabilitation services; and projects with industry,  
6190

Handicapped education research program

Funding priorities, 6490

Postsecondary education improvement fund—

Lectures program, 6190

Veterans education outreach program, 6190

Postsecondary education:

Guaranteed student loan, SLS, PLUS, and consolidation  
loan programs; special allowances, 6508

## Employment and Training Administration

### NOTICES

Adjustment assistance:

A.E. Staley Manufacturing Co. et al., 6207

Grants; availability, etc.:

Structurally unemployed workers; self-employment  
demonstration project, 6508



**Energy Department**

See Economic Regulatory Administration; Federal Energy Regulatory Commission

**Engineers Corps****NOTICES**

Environmental statements; availability, etc.:  
Pershing missiles elimination; Pueblo, CO, et al., 6189

**Environmental Protection Agency****NOTICES**

Air pollution control; new motor vehicles and engines:  
California pollution control standards—  
Preemption waiver, 6195, 6197  
(2 documents)

**Meetings:**

Science Advisory Board, 6197  
(2 documents)

Toxic and hazardous substances control:  
Chemical testing—  
Data receipt, 6198

**Executive Office of the President**

See Presidential Commission on the Human Immunodeficiency Virus Epidemic

**Export Administration**

See International Trade Administration

**Federal Aviation Administration****RULES**

Control zones and transition areas, 6142  
Terminal control areas; correction, 6219  
Transition areas, 6140, 6141  
(3 documents)

VOR Federal airways; correction, 6219

**PROPOSED RULES**

Control zones, 6161  
Transition areas, 6160  
Transition areas; correction, 6162

**Federal Communications Commission****PROPOSED RULES**

Radio stations; table of assignments:

Missouri, 6163  
North Carolina, 6163  
Ohio, 6164  
Oklahoma, 6164  
Oregon, 6164, 6165  
(2 documents)

Television stations; table of assignments:  
Nevada, 6165

**NOTICES**

*Applications, hearings, determinations, etc.:*  
Brandt, Robin C., et al., 6198  
CBS, Inc., et al., 6198  
Church of Christ Ministry, Inc., et al., 6199  
Coyle Communications, Ltd., et al., 6199  
Evans, James, et al., 6199  
J.R. Broadcasting et al., 6200  
Red Mountain Broadcasting Co. et al., 6200  
Swain, Jerome, et al., 6200

**Federal Crop Insurance Corporation****RULES**

Crop insurance; various commodities:  
Macadamia nuts, 6115  
Potatoes; correction, 6115

**Federal Emergency Management Agency****RULES**

Flood insurance; communities eligible for sale:  
Alabama et al., 6148, 6150  
(2 documents)

**Federal Energy Regulatory Commission****NOTICES**

Natural gas companies:  
Certificates of public convenience and necessity;  
applications, abandonment of service and petitions to  
amend, 6191, 6192  
(2 documents)  
*Applications, hearings, determinations, etc.:*  
Cities Service Oil & Gas Corp. et al., 6193  
Distrigas of Massachusetts Corp., 6194  
Pacific Gas Transmission Co., 6194  
Red River Pipeline, 6194  
Sonat Marketing Co. et al., 6195  
Williams Natural Gas Co., 6195

**Federal Grain Inspection Service****NOTICES**

Agency designation actions:  
Colorado, Indiana, and Kansas, 6168  
Illinois, Indiana, and Wyoming, 6167  
Iowa, 6167

**Federal Maritime Commission****NOTICES**

Agreements filed, etc., 6201

**Federal Reserve System****NOTICES**

*Applications, hearings, determinations, etc.:*  
Barnett Banks, Inc., 6201  
Chase Manhattan Corp., 6201  
Columbia Bancorp et al., 6202  
Huntington Bancshares Inc., 6202  
Lee, Sam W., 6203

**Fish and Wildlife Service****NOTICES**

Marine mammal permit applications, 6204

**Food and Drug Administration****NOTICES**

Food additive petitions:  
Monsanto Chemical Co., 6203  
Shell Oil Co., 6203  
Waitaki International Marketing, Ltd., 6203

**General Services Administration****RULES**

Federal Acquisition Regulation (FAR):  
Cost comparison public review period revision, etc. (OMB  
A-76)  
Correction, 6219

**Health and Human Services Department**

See Food and Drug Administration; Health Care Financing Administration

**Health Care Financing Administration****RULES**

Medicare and medicaid:  
Organ procurement organizations and protocols, 6526



**Human Immunodeficiency Virus Epidemic Presidential Commission**

See Presidential Commission on the Human Immunodeficiency Virus Epidemic

**Indian Affairs Bureau****RULES**

Land and water:

Flathead Irrigation and Power Project, MT; power rate schedule, 6145

**Interior Department**

See Fish and Wildlife Service; Indian Affairs Bureau; Land Management Bureau; National Park Service

**Internal Revenue Service****RULES**

Excise taxes:

Manufacturers and retailers; diesel fuel, 6518

Income and excise taxes:

Real estate investment trust and regulated investment companies, 6146

**PROPOSED RULES**

Excise taxes:

Manufacturers and retailers; diesel fuel; cross reference, 6524

**International Trade Administration****RULES**

Export administration regulations:

Austria; export licensing applications, shorter processing times, 6143

**NOTICES**

Meetings:

Materials Technical Advisory Committee, 6170

**Interstate Commerce Commission****RULES**

Freedom of Information Act; implementation, 6155

**Justice Department**

See also Drug Enforcement Administration

**NOTICES**

Agency information collection activities under OMB review, 6205

**Labor Department**

See also Employment and Training Administration; Mine Safety and Health Administration; Veterans Employment and Training, Office of Assistant Secretary

**NOTICES**

Agency information collection activities under OMB review, 6207

**Land Management Bureau****NOTICES**

Committees; establishment, renewal, termination, etc.:

Iditarod National Historic Trail Advisory Council; request for nominations, 6204

Geothermal resources lease sales:

California, 6204

Meetings:

Iditarod National Historic Trail Advisory Council, 6204

**Legal Services Corporation****RULES**

Freedom of Information Act; implementation:

Uniform fee schedule and administrative guidelines, 6151

**NOTICES**

Grant awards:

Fort Apache Legal Aid Society, Inc., 6208

**Mine Safety and Health Administration****PROPOSED RULES**

Coal mine safety and health:

Underground coal mining—

Rubber-tired self-propelled electric face equipment; automatic emergency-parking brakes, 6512

Ventilation standards, escapeways, and boreholes in advance of mining; correction, 6162

**Minority Business Development Agency****NOTICES**

Business development center program applications:

Chicago, 6170

**National Aeronautics and Space Administration****RULES**

Federal Acquisition Regulation (FAR):

Cost comparison public review period revision, etc. (OMB A-76)

Correction, 6219

**National Capital Planning Commission****NOTICES**

Memorandums of understanding:

James T. Lewis Enterprises, Ltd.; PortAmerica project, Prince George's County, MD, 6208

**National Highway Traffic Safety Administration****NOTICES**

Motor vehicle safety standards; exemption petitions, etc.:

Uniroyal Goodrich Tire Co., 6215

**National Oceanic and Atmospheric Administration****NOTICES**

Grants; availability, etc.:

National Estuarine Reserve Research System, 6171

**National Park Service****NOTICES**

Meetings:

Cape Cod National Seashore Advisory Commission, 6205

National Register of Historic Places:

Pending nominations—

Arizona et al., 6205

**National Science Foundation****NOTICES**

Committees; establishment, renewal, termination, etc.:

Science and Engineering Education Advisory Committee, 6211

**National Technical Information Service****NOTICES**

Patent licenses, exclusive:

Bristol-Myers Co. et al., 6180

**Nuclear Regulatory Commission****RULES**

Organization, functions, and authority delegations, 6137

**PROPOSED RULES**

Rulemaking petitions:

University of Missouri, 6159

**NOTICES**

Agency information collection activities under OMB review,

6211



**Meetings:**

Reactor Safeguards Advisory Committee, 6211  
*Applications, hearings, determinations, etc.:*  
 Nebraska Public Power District, 6212

**Presidential Commission on the Human  
 Immunodeficiency Virus Epidemic**

**NOTICES**

Meetings, 6213

**Public Health Service**

*See Food and Drug Administration*

**Securities and Exchange Commission****NOTICES**

Self-regulatory organizations; proposed rule changes:  
 Midwest Clearing Corp., 6213  
 Midwest Securities Trust Co., 6214

**State Justice Institute****NOTICES**

Grants, cooperative agreements, and contracts; guidelines,  
 6494

**Textile Agreements Implementation Committee**

*See Committee for the Implementation of Textile  
 Agreements*

**Transportation Department**

*See also Federal Aviation Administration; National  
 Highway Traffic Safety Administration*

**NOTICES**

Aviation proceedings:  
 Hearings, etc.—  
 U.S. Venezuela all-cargo exemption proceeding, 6215

**Treasury Department**

*See also Customs Service; Internal Revenue Service*

**NOTICES**

Agency information collection activities under OMB review,  
 6215, 6216  
 (2 documents)  
 Privacy Act; systems of records, 6252

**United States Information Agency****NOTICES**

Grants; availability, etc.:  
 Private non-profit organizations in support of  
 international educational and cultural activities, 6218

**Veterans Employment and Training, Office of Assistant  
 Secretary**

**NOTICES**

Grants; availability, etc.:  
 Job Training Partnership Act—  
 Employment and training programs operation, 6207

**Separate Parts in This Issue****Part II**

Department of the Treasury, 6252

**Part III**

Department of Education, 6490

**Part IV**

State Justice Institute, 6494

**Part V**

Department of Education, 6505

**Part VI**

Department of Labor, Employment and Training  
 Administration, 6508

**Part VII**

Department of Labor, Mine Safety and Health  
 Administration, 6512

**Part VIII**

Department of the Treasury, Internal Revenue Service, 6518

**Part IX**

Department of Health and Human Services, Health Care  
 Financing Administration, 6526

**Reader Aids**

Additional information, including a list of public  
 laws, telephone numbers, and finding aids, appears  
 in the Reader Aids section at the end of this issue.

**CFR PARTS AFFECTED IN THIS ISSUE**

A cumulative list of the parts affected this month can be found in  
 the Reader Aids section at the end of this issue.

**7 CFR**

422..... 6115  
 455..... 6115  
 719..... 6119  
 917..... 6128  
 985..... 6129  
 1421..... 6131

**Proposed Rules:**

1106..... 6158

**10 CFR**

4..... 6137  
 15..... 6137  
 19..... 6137  
 20..... 6137  
 21..... 6137  
 50..... 6137  
 53..... 6137  
 55..... 6137  
 73..... 6137  
 75..... 6137  
 81..... 6137  
 140..... 6137  
 150..... 6137  
 170..... 6137

**Proposed Rules:**

50..... 6159

**14 CFR**

71 (6 documents)..... 6140-  
 6142, 6219

**Proposed Rules:**

71 (3 documents)..... 6160-  
 6162

**15 CFR**

370..... 6143  
 372..... 6143

**19 CFR**

4..... 6143

**25 CFR**

176..... 6145

**26 CFR**

5h..... 6146  
 55..... 6146  
 48..... 6518  
 602 (2 documents)..... 6146,  
 6518

**Proposed Rules:**

48..... 6524

**30 CFR**

**Proposed Rules:**  
 75 (2 documents)..... 6162,  
 6512

**42 CFR**

405..... 6525  
 413..... 6525  
 441..... 6525  
 482..... 6525  
 485..... 6525  
 498..... 6525

**44 CFR**

64 (2 documents)..... 6148,  
 6150

**45 CFR**

1602..... 6151

**47 CFR**

**Proposed Rules:**  
 73 (7 documents)..... 6163-  
 6165

**48 CFR**

26..... 6219  
 52..... 6219  
 222..... 6155

**49 CFR**

1001..... 6155



# Rules and Regulations

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 422

[Docket No. 5437S; Amdt. 2]

#### Potato Crop Insurance Regulations; Correction

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule; Correction.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) published a final rule in the *Federal Register* on Monday, June 22, 1987, at 52 FR 23424, amending the Potato Crop Insurance Regulations. In that publication, the cancellation and termination dates were changed to coincide with changes in the insurance period in Texas counties where the Potato crop insurance program is offered for the first time. An error was made in referring to subparagraph 15.e. for revision. That citation should have read 15.d. This notice is published to correct that error.

**EFFECTIVE DATE:** March 1, 1988.

**ADDRESS:** Written comments on this correction may be sent to the Office of the Manager, Federal Crop Insurance Corporation, Room 4090, South Building, U.S. Department of Agriculture, Washington, DC 20250.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

FR Document 87-14063, appearing at pages 23424 through 23425, in the

*Federal Register* issue of June 22, 1987, is corrected as follows:

#### § 422.7 [Corrected]

On page 23425, in Column 2, Subparagraph 15.e. is correctly designated as subparagraph 15.d.

Done in Washington, DC, on February 18, 1988.

John Marshall,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-4295 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-08-M

#### 7 CFR Part 455

[Docket No. 4754S]

#### Macadamia Nut Crop Insurance Regulations

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) adds a new Part 455 in Chapter IV of Title 7, Code of Federal Regulations to be known as the Macadamia Nut Crop Insurance Regulations (7 CFR Part 455), effective for the 1988 and succeeding crop years. The intended effect of this rule is to: (1) Prescribe procedures for insuring macadamia nuts in counties approved by the Board of Directors of FCIC; and (2) provide for codification of the Macadamia Nut Crop policy of insurance in 7 CFR Part 455 in the Code of Federal Regulations.

**EFFECTIVE DATE:** March 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, DC 20250, telephone (202) 447-3325.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed under USDA procedures established by Departmental Regulation 1512-1. This action constitutes a review as to the need, currency, clarity, and effectiveness of these regulations under those procedures. The sunset review date established for these regulations is January 1, 1993.

John Marshall, Manager, FCIC, (1) has determined that this action is not a

major rule as defined by Executive Order 12291 because it will not result in: (a) An annual effect on the economy of \$100 million or more; (b) major increases in costs or prices for consumers, individual industries, Federal, State, or local governments, or a geographical region; or (c) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets; and (2) certifies that this action will not increase the Federal paperwork burden for individuals, small businesses, and other persons.

This action is exempt from the provisions of the Regulatory Flexibility Act; therefore, no Regulatory Flexibility Analysis was prepared.

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

This program is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115, June 24, 1983.

This action is not expected to have any significant impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Background

On October 9, 1986, the Board of Directors of FCIC approved a resolution to authorize the introduction of crop insurance programs in the State of Hawaii as soon as possible for marketing by private insurance companies under a Standard Reinsurance Agreement or an Agency Sales and Service Contract with FCIC.

Hawaii is the only State without a crop insurance program and the Board, in authorizing the introduction of crop insurance protection to macadamia nut producers in the islands, is responding to a long standing interest in providing Hawaiian producers protection against loss of production from natural hazards.

On June 30, 1987, FCIC published a



notice of proposed rulemaking in the Federal Register at 52 FR 24299 to prescribe procedures for insuring macadamia nuts in counties in Hawaii approved by the Board of Directors of FCIC; and (2) provide for codification of the Macadamia Nut Crop policy of insurance in 7 CFR Part 455 in the Code of Federal Regulations.

The public was given 30 days in which to submit written comments, data, and opinions of the proposed rule, but none were received. Therefore, FCIC adopts as final the rule published at 52 FR 24299.

Since Hawaiian macadamia nut producers must be given sufficient time to study the program of insurance protection and because such producers who file applications for crop insurance protection must wait for inspection of the acreage before insurance attaches, good cause is shown for making this rule effective in less than 30 days.

#### List of Subjects in 7 CFR Part 455

Crop insurance; Macadamia nuts.

#### Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby issues a new Part 455 in Chapter IV of Title 7, Code of Federal Regulations, to be known as 7 CFR Part 455—Macadamia Nut Crop Insurance Regulations, effective for the 1988 and succeeding crop years, to read as follows:

### PART 455—MACADAMIA NUT CROP INSURANCE REGULATIONS

#### Subpart—Regulations for the 1988 and Succeeding Crop Years

##### Sec.

- 455.1 Availability of macadamia nut crop insurance.
- 455.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
- 455.3 OMB control numbers.
- 455.4 Creditors.
- 455.5 Good faith reliance on misrepresentation.
- 455.6 The contract.
- 455.7 The application and policy.

Authority: Secs. 506, 516, Pub. L. 75-430, 52 Stat. 73, 77, as amended (7 U.S.C. 1506, 1516).

#### Subpart—Regulations for the 1988 and Succeeding Crop Years

##### § 455.1 Availability of macadamia nut crop insurance.

Insurance shall be offered under the

provisions of this subpart on the insured crop in counties within the limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended, (the Act). The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. The insurance is offered through two methods. First, the Corporation offers the contract contained in this part directly to the insured through Agents of the Corporation. Those contracts are specifically identified as being offered by the Federal Crop Insurance Corporation. Second, companies reinsured by the Corporation (hereinafter "Reinsured companies") offer contracts containing substantially the same terms and conditions as the contract set out in this part. No person may have in force more than one contract on the same crop for the crop year, whether insured by the Corporation or insured by a Reinsured company. If a person has more than one contract under the Act outstanding on the same crop for the same crop year, all such contracts will be voided for that crop year but the person will still be liable for the premium on all contracts unless the person can show to the satisfaction of the Corporation that the multiple contract insurance was inadvertent and without the fault of the insured. If the multiple contract insurance is shown to be inadvertent and without the fault of the insured, the contract with the earliest application will be valid and all other contracts on that crop for that crop year will be cancelled. No liability for indemnity or premium will attach to the contracts so cancelled. The person must repay all amounts received in violation of this section with interest at the rate contained in the contract for delinquent premiums.

An insured whose contract with the Corporation or with a Reinsured company under the Act has been terminated because of violation of the terms of the contract is not eligible to obtain multi-peril crop insurance under the Act with the Corporation or with a Reinsured Company unless the insured can show that the default in the prior contract was cured prior to the sales closing date of the contract applied for or unless the insured can show that the termination was improper and should not result in subsequent ineligibility. All applicants for insurance under the Act must advise the agent, in writing, at the time of application, of any previous applications for a Contract under the Act and the present status of the applications or contracts.

##### § 455.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for macadamia nuts which will be included in the actuarial table on file in the applicable service offices for the county and which may be changed from year to year.

(b) At the time the application for insurance is made, the applicant will elect a coverage level and price at which indemnities will be computed from among those levels and prices set by the actuarial table for the crop year.

##### § 455.3 OMB control numbers.

OMB control numbers are contained in Subpart H of Part 400, Title 7 CFR.

##### § 455.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, involuntary transfer or other similar interest shall not entitle the holder of the interest to any benefit under the contract.

##### § 455.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the macadamia nut insurance contract, whenever:

(a) An insured under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation or a Reinsured company:

(1) Is indebted to the Corporation or a Reinsured company for additional premiums; or

(2) Has suffered a loss to a crop which is not insured or for which the insured is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured believed to be insured, or believed the terms of the insurance contract to have been complied with or waived; and

(b) The Board of Directors of the Corporation, or the Manager in cases involving not more than \$100,000, or a Reinsured company finds that:

(1) An agent or employee of the Corporation or a Reinsured company did in fact make such misrepresentation or take other erroneous action or give erroneous advice;

(2) Said insured relied thereon in good faith; and (3) to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity



would not be fair and equitable, such insured shall be granted relief the same as if otherwise entitled thereto.

Requests for relief under this section must be submitted to the Corporation or a Reinsured company in writing.

#### § 455.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation or a Reinsured company of a duly executed application for insurance on a form prescribed by the Corporation or a Reinsured company. The contract shall cover the macadamia nut crop as provided in the policy. The contract shall consist of the application, the policy and the county actuarial table. This contract is not continuous. Application must be made annually for the macadamia nut contract on or prior to the sales closing date established by the actuarial table. The forms referred to in the contract are available at the applicable service offices.

#### § 455.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation must be made by any person to cover such person's share in the macadamia nut crop as landlord, owner-operator, or tenant if the person wishes to participate in the program. The application shall be submitted to the Corporation or a Reinsured company at the service office on or before the applicable sales closing date on file in the service office.

(b) The Corporation or a Reinsured company may discontinue the acceptance of any application or applications in any county upon its determination that the insurance risk is excessive. The Manager of the Corporation is authorized in any crop year to extend the sales closing date for submitting applications in any county, by placing the extended date on file in the applicable service offices and publishing a notice in the Federal Register upon the Manager's determination that no adverse selectivity will result during the extended period. However, if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) A contract in the form provided for in this subpart will be in effect as a macadamia nut contract applicable for one year. A new application must be submitted for each subsequent crop year.

(d) The application for the 1988 and succeeding crop years is found at Subpart D of Part 400—General Administrative Regulations (7 CFR

400.37, 400.38) and many be amended from time to time for subsequent crop years. The provisions of the Macadamia Nut Crop Insurance Policy for the 1988 and succeeding crop years are as follows:

#### DEPARTMENT OF AGRICULTURE

##### Federal Crop Insurance Corporation

##### Macadamia Nut—Crop Insurance Policy

(This is NOT a continuous contract. Refer to Section 15)

**AGREEMENT TO INSURE:** We will provide the insurance described in this policy in return for the premium and your compliance with all applicable provisions.

Throughout this policy, "you" and "your" refer to the insured shown on the accepted application and "we," "us," and "our" refer to the Federal Crop Insurance Corporation.

##### Terms and Conditions

##### 1. Causes of loss.

a. The insurance provided is against unavoidable loss of production resulting from the following causes occurring within the insurance period:

- (1) Adverse weather conditions;
- (2) Earthquake;
- (3) Fire;
- (4) Volcanic eruption;
- (5) Wildlife; or
- (6) If applicable, failure of the irrigation

water supply due to an unavoidable cause occurring after insurance attaches; unless those causes are excepted, excluded, or limited by the actuarial table or subsection 9.e.(4).

b. We will not insure against any loss of production due to:

- (1) Unmarketability as a direct result of quarantine, boycott, or refusal of any entity to accept production unless production has actual physical damage due to a cause specified in subsection 1.a.;
- (2) The neglect, mismanagement, or wrongdoing by you, any member of your household, your tenants, or employees;
- (3) The failure to follow recognized good macadamia nut farming practices;
- (4) Water contained by any governmental, public, or private dam or reservoir project;
- (5) Flooding on any unit subject to a flood or water flowage easement;
- (6) Flooding on any unit located between any body of water and a primary flood control structure for that body of water;
- (7) Failure or breakdown of irrigation equipment or facilities;
- (8) Failure to carry out a good macadamia nut irrigation practice; or
- (9) Any cause not specified in subsection 1.a. as an insured cause of loss.

##### 2. Crop, acreage, and share insured.

a. The crop insured will be all varieties of macadamia nuts grown for processing on insurable acreage which has been inspected and accepted by us and for which a guarantee and premium rate are provided by the actuarial table.

b. The acreage insured for each crop year will be macadamia nuts grown on insurable acreage as designated by the actuarial table, and in which you have a share, as reported

by you or as determined by us, whichever we elect.

c. The insured share is your share as landlord, owner-operator, or tenant in the insured macadamia nuts at the time insurance attaches. However, only for the purpose of determining the amount of indemnity, your insured share will not exceed your share on the earlier of:

- (1) The time of loss; or
- (2) The beginning of harvest.

d. We do not insure any macadamia nuts:

(1) If the farming practices carried out are not the same as those for which the guarantee and premium rate have been established;

(2) Of a type or variety not established as adapted to the area or excluded by the actuarial table;

(3) Produced by macadamia trees that have not reached the fifth growing season after transplanting or grafting;

(4) If the macadamia trees have not produced an average yield of at least 190 pounds of wet inshell nuts per acre in a previous year;

(5) If the trees are interplanted with a crop other than macadamia nuts;

(6) If acceptable production records of at least the previous crop year are not available;

(7) If there is less than a 50 percent stand of bearing trees based on the original planting pattern; or

(8) Which we consider not acceptable.

e. We may limit the insurable acreage to any acreage limitation established under any Act of Congress, if we advise you of the limit prior to the date insurance attaches.

##### 3. Report of acreage, share, variety, practice, and number of bearing trees.

You must report on our form by unit:

- a. All the acreage of macadamia nuts in the county in which you have a share;
- b. Your share at the time insurance attaches;

c. The variety;

d. The dates on which the trees were transplanted or grafted;

e. The practice; and

f. The number of bearing trees.

You must designate separately any acreage that is not insurable. This report must be submitted annually prior to the time insurance attaches. If insurance is provided for an irrigated practice, you must report as irrigated only the acreage for which you have adequate facilities and water, at the time insurance attaches, to carry out a good macadamia nut irrigation practice. All indemnities may be determined on the basis of information you submit on this report. If you do not submit this report within 15 days after the time insurance attaches, we may elect to determine, by unit, the insured acreage, share, practice, and number of bearing trees, or we may deny liability on any unit. Any report submitted by you may be revised only upon our approval.

##### 4. Production guarantees, coverage levels, and prices for computing indemnities.

a. The production guarantees, coverage levels, and prices for computing indemnities are contained in the actuarial table.

b. If the number of bearing trees (fifth growing season after transplanting or grafting



and older) is reduced more than 10 percent from the preceding calendar year as a result of damage occurring within that year, the production guarantee will be reduced 1 percent for each percent reduction in excess of 10 percent.

c. You may change the coverage level and price election for the succeeding crop year on or before December 31 of the current crop year.

d. You must report production to us for the insured crop year by December 31 of that crop year. If you do not provide the required production report, we will assign a yield for the insured crop year. The yield assigned by us will not be more than 75 percent of the yield used to determine your guarantee for the insured crop year. The production report or assigned yield will be used to compute your production history for the purpose of determining your guarantee for the succeeding crop year. If you have filed a claim for the insured crop year, the production report will be calculated based on the actual production used to determine the indemnity payment.

#### 5. Annual premium.

a. The annual premium is earned and payable on the date insurance attaches. The amount is computed by multiplying the production guarantee times the price election, times the premium rate, times the insured acreage, times your share on the date insurance attaches.

b. Interest will accrue at the rate of one and one-fourth percent (1¼%) simple interest per calendar month, or any part thereof, on any unpaid premium balance starting on the first day of the month following the premium billing date.

#### 6. Deductions for debt.

Any unpaid amount due us may be deducted from any indemnity payable to you or from any loan or payment due you under any Act of Congress or program administered by the United States Department of Agriculture or its agencies.

#### 7. Insurance period.

Insurance on insurable acreage attaches for each crop year on January 1. However, if we accept your application for insurance after January 1, insurance does not attach until the thirtieth (30th) day after you sign and submit a properly completed application. Insurance will not attach to any acreage inspected by us and determined to be unacceptable. Insurance ends on a per-acre basis at the earliest of:

a. Total destruction of the macadamia nuts on the unit;

b. The date harvest would normally start on the unit on any acreage which will not be harvested;

c. Completion of harvest;

d. Final adjustment of a loss; or

e. December 31 of the crop year.

#### 8. Notice of damage or loss.

a. You must give us written notice:

(1) Without delay if damage resulting in probable loss occurs at any time during the period before harvest; and

(2) At least fifteen (15) days before the beginning of harvest if you anticipate a loss on any unit.

b. If probable loss is determined within fifteen (15) days prior to or during harvest

and you are going to claim an indemnity on any unit, you must give us notice not later than seventy-two (72) hours after the earliest of:

(1) Total destruction of the macadamia nuts on the unit;

(2) Discontinuance of harvest of any acreage on the unit;

(3) The date harvest would normally start if any acreage on the unit is not to be harvested; or

(4) December 31 of the crop year.

c. You must obtain written consent from us before you destroy any of the macadamia nuts which are not to be harvested.

d. We may reject any claim for indemnity if you fail to comply with any of the requirements of this section or section 9.

#### 9. Claim for indemnity.

a. Any claim for indemnity on a unit must be submitted to us on our form not later than sixty (60) days after the earliest of:

(1) Total destruction of the macadamia nuts on the unit;

(2) Harvest of the unit; or

(3) December 31 of the crop year.

b. We will not pay any indemnity unless you:

(1) Establish the total production of macadamia nuts on the unit and that any loss of production has been directly caused by one or more of the insured causes during the insurance period; and

(2) Furnish all information we require concerning the loss.

c. The indemnity will be determined on each unit by:

(1) Multiplying the insured acreage by the production guarantee;

(2) Subtracting therefrom the total production of macadamia nuts to be counted (see subsection 9.e.);

(3) Multiplying the remainder by the price election; and

(4) Multiplying this product by your share.

d. If the information reported by you under section 3 of this policy results in a lower premium than the actual premium determined to be due, the production guarantee on the unit will be computed on the information reported, but all production from insurable acreage, whether or not reported as insurable, will count against the production guarantee.

e. The total production (wet inshell pounds) to be counted for a unit will include all harvested and appraised production.

(1) Appraised production to be counted will include:

(a) Potential production lost due to uninsured causes and failure to follow recognized good macadamia nut farming practices;

(b) Not less than the guarantee for any acreage which is abandoned, damaged solely by an uninsured cause, or destroyed by you without our prior written consent; and

(c) Any production detached from trees and not removed from the orchard.

(2) Any appraisal we have made on insured acreage will be considered production to count unless such appraised production is:

(a) Further damaged by an insured cause and reappraised by us; or

(b) Harvested.

(3) We may determine the amount of production of any unharvested macadamia

nuts on the basis of field appraisals conducted after the end of the insurance period.

(4) If you elect to exclude hail and fire as insured causes of loss and the macadamia nuts are damaged by hail or fire, appraisals will be made in accordance with Form FCI-78, "Request to Exclude Hail and Fire."

f. You must not abandon any acreage to us.

g. Any suit against us for an indemnity must be brought in accordance with the provisions of 7 U.S.C. 1508(c). You must bring suit within 12 months of the date notice of denial of the claim is received by you.

h. An indemnity will not be paid unless you comply with all policy provisions.

i. If it is our policy to pay your indemnity within 30 days of our approval of your claim, or entry of a final judgment against us. We will, in no instance, be liable for the payment of damages, attorney's fees, or other charges in connection with any claim for indemnity, whether we approve or disapprove such claim. However, we will pay simple interest computed on the net indemnity ultimately found to be due to you, if the reason for non-payment is not due to your failure to provide information or other material necessary for the computation or payment of the indemnity. Interest due will be paid from and including the 61st day after the date you sign, date, and submit to us the properly completed claim-for-indemnity form. The interest rate will be that established by the Secretary of the Treasury under Section 12 of the Contract Disputes Act of 1978 (41 U.S.C. 611), and published in the *Federal Register* semiannually on or about January 1 and July 1.

The interest rate to be paid on any indemnity will vary with the rate announced by the Secretary of the Treasury.

j. If you die, disappear, or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the persons determined to be beneficially entitled thereto.

k. If you have other fire insurance, fire damage occurs during the insurance period, and you have not elected to exclude fire insurance from this policy, we will be liable for loss due to fire only for the smaller of the amount:

(1) Of indemnity determined pursuant to this contract without regard to any other insurance; or

(2) By which the loss from fire exceeds the indemnity paid or payable under such other insurance.

For the purpose of this subsection, the amount of loss from fire will be the difference between the fair market value of the production on the unit before the fire and after the fire.

#### 10. Concealment or fraud.

We may void the contract on all crops insured without affecting your liability for premiums or waiving any right, including the right to collect any amount due us if, at any time, you have concealed or misrepresented any material fact or committed any fraud relating to the contract. Such voidance will be effective as of the beginning of the crop



year with respect to which such act or omission occurred.

**11. Transfer of right to an indemnity—Insured share.**

If you transfer any part of your share during the crop year, you may transfer your right to an indemnity. The transfer must be on our form and approved by us. We may collect the premium from either you or your transferee or both. The transferee will have all rights and responsibilities under the contract.

**12. Assignment of indemnity.**

You may assign to another party your right to an indemnity for the crop year, only on our form and with our approval. The assignee will have the right to submit the loss notices and forms required by the contract.

**13. Subrogation (Recovery of loss from a third party).**

Because you may be able to recover all or a part of your loss from someone other than us, you must do all you can to preserve any such right. If we pay for your loss, then your right of recovery will, at our option, belong to us. If we recover more than we paid you plus our expenses, the excess will be paid to you.

**14. Records and access to farm.**

You must keep, for three years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all macadamia nuts produced on each unit, including separate records showing the same information for production from any uninsured acreage. Failure to keep and maintain such records may, at our option, result in: (a) Cancellation of the contract prior to the crop year to which the records apply; (b) assignment of production to units by us; or (c) a determination that no indemnity is due. Any person designated by us will have access to such records and the farm for purposes related to the contract.

**15. Life of contract.**

a. This contract will be in effect for the crop year specified on the application and may not be canceled by you for such crop year.

b. The term of this contract begins and ends as shown in section 7 of this policy. We are under no obligation to send you any renewal notice or other notice that the contract term is ending and the receipt by you of any such notice is not a waiver of this provision.

c. If you die or are judicially declared incompetent, or if you are an entity other than an individual and such entity is dissolved, the contract will terminate as of the date of death, judicial declaration, or dissolution. If such event occurs after insurance attaches for any crop year, the contract will continue in force through the crop year and terminate at the end thereof. Death of a partner in a partnership will dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons will dissolve the joint entity.

d. This contract will automatically terminate at the end of the current contract period unless we offer to renew the contract for a subsequent crop year and you accept.

**16. Meaning of terms.**

For the purposes of macadamia nut crop insurance:

a. "Actuarial table" means the forms and related material for the crop year approved by us. The Actuarial Table is available for public inspection in your service office and shows the production guarantees, coverage levels, premium rates, prices for computing indemnities, practices, insurable and uninsurable acreage, and related information regarding macadamia nut insurance in the county.

b. "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown by the actuarial table.

c. "Crop year" means the period beginning with the date insurance attaches and extending through the normal harvest time and will be designated by the calendar year in which the macadamia nuts are normally harvested.

d. "Harvest" means the picking of the macadamia nuts from the ground.

e. "Insurable acreage" means the land classified as insurable by us and shown as such by the actuarial table.

f. "Insured" means the person who submitted the application accepted by us.

g. "Person" means an individual, partnership, association, corporation, estate, trust, or other legal entity, and wherever applicable, a State or a political subdivision or agency of a State.

h. "Service office" means the office servicing your contract as shown on the application for insurance or such other approved office as may be selected by you or designated by us.

i. "Tenant" means a person who rents land from another person for a share of the macadamia nuts or share of the proceeds therefrom.

j. "Unit" means all insurable acreage of macadamia nuts in the country on the date of planning for the crop year:

(1) In which you have a 100 percent share; or

(2) Which is owned by one entity and operated by another entity on a share basis.

Land rented for cash, a fixed commodity payment, or any consideration other than a share in the macadamia nuts on such land will be considered as owned by the leasee.

Land which would otherwise be one unit may be divided according to applicable guidelines on file in your service office. Units will be determined when the acreage is reported. Errors in reporting units may be corrected by us to conform to applicable guidelines when adjusting a loss. We may consider any acreage and share thereof reported by or for your spouse or child or any member of your household to be your bona fide share or the bona fide share of any other person having an interest therein.

k. "Wet inshell" means the weight of the macadamia nuts as they are removed from the orchard with the nut meats in the shells after removal of the husk and prior to being dried.

**17. Descriptive headings.**

The descriptive headings of the various policy terms and conditions are formulated for convenience only and are not intended to affect the construction or meaning of any of the provisions of the contract.

**18. Determinations.**

All determinations required by the policy will be made by us. If you disagree with our determinations, you may obtain reconsideration of or appeal those determinations in accordance with the Appeal Regulations (7 CFR Part 400-Subpart J).

**19. Notices.**

All notices required to be given by you must be in writing and received by your service office within the designated time unless otherwise provided by the notice requirement. Notices required to be given immediately may be by telephone or in person and confirmed in writing. Time of the notice will be determined by the time of our receipt of the written notice.

Done in Washington, DC on February 5, 1988.

John Marshall,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 88-4296 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-01-M

**Agricultural Stabilization and Conservation Service**

**Commodity Credit Corporation**

[Amdt. 2]

**7 CFR Part 719**

**Farm Marketing Quotas, Acreage Allotments, and Production Adjustment; Reconstitution of Farms, Allotments, Quotas, Bases, and Acreages**

**AGENCY:** Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, USDA.

**ACTION:** Interim rule.

**SUMMARY:** This interim rule amends the regulations at 7 CFR Part 719 governing the reconstitution of farms, allotments, quotas, bases, and acreages under the production adjustment and marketing quota programs administered by the Agricultural Stabilization and Conservation Service and the Commodity Credit Corporation. These amendments are necessary to improve the administration of programs authorized by the Agricultural Adjustment Act of 1938, as amended, and the Agricultural Act of 1949, as amended.

**DATES:** Effective Date: This interim rule is effective March 1, 1988.

**Comments:** Comments must be received before March 31, 1988, in order to be assured of consideration.

**ADDRESSES:** Interested persons are invited to send written comments to the Director, Cotton, Grain, and Rice Price Support Division, U.S. Department of



Agriculture, P.O. Box 2415, Washington, DC 20013. All written submissions made pursuant to this notice will be made available for public inspection in Room 3630-South Building, USDA, between the hours of 8:15 a.m. and 4:45 p.m., Monday through Friday.

**FOR FURTHER INFORMATION CONTACT:** Jane Salem, Management Analyst, Cotton, Grain, and Rice Price Support Division, ASCS, U.S. Department of Agriculture, P.O. Box 2415, Washington, DC 20013, (202) 447-7635.

**SUPPLEMENTARY INFORMATION:** This interim rule has been reviewed under U.S. Department of Agriculture (USDA) procedures established in accordance with provisions of Departmental Regulations 1515-1 and Executive Order 12291, and has been classified as "not major." It has been determined that these program provisions will not result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The provisions of 7 CFR Part 719 do not provide financial assistance to producers of agricultural commodities. Accordingly, the Catalog of Federal Domestic Assistance does not list titles and numbers for the reconstitution of allotments, quotas, bases, and acreages. However, the constitution of a farm does provide the basis for determining producer eligibility with respect to programs administered by the Agricultural Stabilization and Conservation Service (ASCS) and the Commodity Credit Corporation (CCC) which are identified by program numbers 10.051 through 10.068 in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this interim rule since neither ASCS nor CCC is required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an Environmental Impact Statement is needed.

This program/activity is not subject to the provisions of Executive Order 12372

which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

Information collection requirements contained in the regulations (7 CFR Part 719) have been approved by the Office of Management and Budget (OMB) in accordance with the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB numbers 0560-0025 and 0560-0033.

This interim rule amends 7 CFR Part 719 to reflect changes in terminology which are the result of the enactment of Food Security Act of 1985, to make changes which will result in more efficient program administrations, and to make certain changes for clarity.

Section 719.1 of the current regulations refers to the reconstitution of farms, allotments, normal crop acreage and preceding year planted acreage for 1978-1979 and subsequent years. This interim rule replaces references to these terms by referring to reconstitution of farms, allotments, quotas, bases, and acreages.

Section 719.2(a) of the current regulations defines an "allotment" as acreage allocated to a farm for a year for ELS cotton, peanuts, rice, or tobacco, pursuant to the Agricultural Adjustment Act of 1938, as amended, the Agricultural Act of 1949, as amended, and the Food and Agricultural Act of 1977. Since the authority to establish allotments for certain commodities has been suspended or repealed, this interim rule defines an allotment as a acreage for a commodity allocated to a farm as prescribed by the specific statutes and regulations applicable to each commodity.

References to "bases" have been included in §§ 719.1, 719.2 (g) and (n), 719.7 (a) and (c), 719.8(a)-(h), 719.9, and 719.11 because of their applicability to the CCC price support and production adjustment programs for wheat, feed grains, upland and ELS cotton, and rice.

Sections 719.2(bb), 719.2(cc), and 719.2(dd) are added to define "quota", "tract", and "acreage", respectively.

Section 719.3(b)(1) of the current regulations provides that land under separate ownership shall not be included as part of a single farm, even though operated by one person as a single farming unit, unless the owners so agree in writing. This interim rule expands this provision to provide also that land under separate ownership must, in order to constitute one farm, be nearly equal in productive capacity in order that a farm reconstitution would not adversely affect commodity programs. This interim rule further

provides that the existing owners need not file another written agreement with respect to a reconstitution when another tract under separate ownership is added to a existing multiple ownership tract, if the producers have agreed previously that their farms will be in combination.

Section 719.3(b)(2) of the current regulations provide that field-rented tracts which are the subject to a short-term rental agreement of one year or less shall remain as constituted even when operated by one person as part of a farming unit. This interim rule amends § 719.3(b) to apply to land under short-term agreements of less than two crop years. The purpose of this provision is to minimize abuses of acreage reduction programs.

The interim rule also adds a § 719.3(b)(7) to provide that land located in counties that are not adjoining shall not be combined as a single farming unit. This action further reduces abuse of the commodity programs by removing the opportunity to combine land that may be of unequal productivity or land which has not been obtained primarily for the production of a crop. Similarly, the rule adds a new § 719.4(g) to disallow reconstitutions involving combinations of primarily irrigated lands and nonirrigated lands.

The interim rule adds a new § 719.3(d)(7) to provide that a reconstitution shall not be approved if the county ASC committee determines that the primary purpose of the reconstitution is to increase the amount of commodity programs benefits received.

Section 719.5 of the current regulations provides that all interested operators shall be notified of the action taken by the county committee with respect to a request for a farm reconstitution. This rule would provide that both the operators before reconstitution and after reconstitution shall be notified. This amendment will ensure that all affected operators are informed of any reconstitution changes.

Section 719.6 of the current regulations provides that, whenever the county ASC committee believes a legal entity is formed primarily for the purpose of obtaining additional benefits under the commodity programs, the farm shall not remain as constituted, or be reconstituted, without the approval of the State ASC committee and concurrence by the Deputy Administrator, State and County Operations, ASCS, when owned and operated by: (a) A corporation having more than 50 percent of the stock owned by members of the same family living in the same household; (b) corporations



having more than 50 percent of the stock owned by stockholders common to more than one corporation; or (c) trusts in which the beneficiaries and the trustee are family members living in the same household. This interim rule, while retaining specific examples applicable to corporations and trusts, amends the current regulations to provide that land which currently is constituted property as a farm shall not be reconstituted if the reconstitution request is based upon the formation of a new legal entity involving the ownership or operation of the farm for the purpose of obtaining additional benefits under the program and the county ASC committee determines that there is not a substantive change in the farming operation. This interim rule further provides that a farm shall not remain as constituted when the county ASC committee determines that any substantive change in the farming operation has occurred which would require reconstitution except as otherwise approved by the State ASC committee with concurrence of the Deputy Administrator. The purpose of the amendment is to eliminate abuses of the commodity programs that could result in the absence of such provisions.

Section 719.7(b)(1) of the current regulations provides, generally, that a reconstitution is effective for the current program year if initiated before the date the crop is planted or would have been planted. This interim rule provides, generally, that reconstitutions will be effective for the current program year: (1) If initiated on or before the last day on which producers may enter into contracts with CCC to participate in the annual program for the crop grown on the farm, or (2) if the crop is not one with respect to which producers enter such contracts, if initiated before the date the crop is planted or would have been planted.

In order to effectively administer production adjustment programs which utilize acreage allotments and marketing quotas, it has been determined that a reconstitution of a farm should not be permitted until after such allotments and quotas have been established for the farm. Accordingly this interim rule removes § 719.7(d) which permits the reconstitution of a farm before the current year's allotments and quotas are established.

Section 719.8 of the current regulation is amended to designate the opening paragraph in the section as § 719.8(a). The paragraphs currently designated as § 719.8(a), (b), (c), (d), (e), (f), (g) and (h) are redesignated as § 719.8(b), (c), (d), (e), (f), (g), (h), and (i) respectively.

Section 719.8(f) of the current regulations is redesignated § 719.8(g) and is amended to provide that interested owners must agree in writing to the use of the history method of reconstitution.

Section 719.8(k) is added to provide for dividing farms which are subject to a Conservation Reserve Program contract.

Section 719.10 is amended for clarity and to delete references to land use adjustment programs and specific conservation programs. Section 719.10 is also amended to delete any reference to the preservation of allotments with respect to tobacco in order to conform to the provisions of the No Net Cost Tobacco Program Act of 1982 which provide that persons holding tobacco allotments are to be producers actively engaged in the production of tobacco.

Section 719.13 currently provides that State ASC committees may take any action required by these regulations which a county ASC committee has not taken. For clarity, this interim rule sets forth this provision as § 719.1. Accordingly, § 719.14 is renumbered as § 719.13. A new § 719.14 is also added to set forth the Paperwork Reduction Act numbers which have been assigned to 7 CFR Part 719 by OMB.

Since producers will soon be executing contracts to participate in the 1988 price support and production adjustment programs, this interim rule will become effective upon date of publication in the *Federal Register*. Comments are requested, however, and will be taken in consideration in developing the final rule.

#### List of Subjects in 7 CFR Part 719

Acreage allotments.

#### Interim Rule

Accordingly, 7 CFR Part 719 is amended as follows:

#### PART 719—[AMENDED]

1. The authority citation for Part 719 is revised to read as follows:

**Authority:** Secs. 375, 378, 379, of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 66, as amended, 72 Stat. 995, as amended, 79 Stat. 1211, as amended, 7 U.S.C. 1375, 1378, 1379; secs. 601, 602, 706, 79 Stat. 1206, as amended, 1210, secs. 501–509 of the Agricultural Act of 1949, as amended, 99 Stat. 1460–1464, as amended, 7 U.S.C. 1461–1469.

2. Section 719.1 is revised to read as follows:

#### § 719.1 Applicability.

(a) The provisions of this part apply to the reconstitution of allotments, quotas, bases, and acreages, established according to applicable commodity

regulations under any program administered by the Agricultural Stabilization and Conservation Service ("ASCS").

(b) The programs will be administered under the general supervision of the Administrator, Agricultural Stabilization and Conservation Service ("ASCS") and shall be carried out in the field by State and county Agricultural Stabilization and Conservation committees (herein called "State and county committees").

(c) State and county committees, and representatives and employees thereof, do not have authority to modify or waive any of the provisions of the regulations of this part.

(d) The State committee shall take any action required by these regulations which has not been taken by the county committee. The State committee shall also:

(1) Correct, or require a county committee to correct, any action taken by such county committee which is not in accordance with the regulations of this part, or

(2) Require a county committee to withhold taking any action which is not in accordance with the regulations of this part.

(e) No provisions or delegation herein to a State or county committee shall preclude the Administrator, ASCS, or a designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(f) The Deputy Administrator may authorize State and county committees to waive or modify deadlines and other program requirements in cases where lateness or failure to meet such other requirements does not adversely affect the operation of the program.

3. In § 719.2, paragraphs (a), (g), and (n) are revised and paragraphs (bb), (cc), (dd) and (ee) are added to read as follows:

#### § 719.2 Definitions.

(a) *Allotment* means an acreage for a commodity allocated to a farm in accordance with the Agricultural Adjustment Act of 1938, as amended, and applicable commodity regulations.

(g) *Current year* means the program year for which applicable allotments, quotas, bases, and acreages, or other program determinations are established or considered.



(n) *Base* means the acreage base for a crop on a farm which is determined in accordance with 7 CFR Part 713.

(bb) *Quota* means the pounds allocated to a farm for a commodity as prescribed in the applicable commodity regulations.

(cc) *Tract* means a unit of contiguous land under one ownership which is operated as a farm or part of a farm.

(dd) *Acreage* means the acreage of a commodity planted, considered planted, or both, if applicable, in one or more preceding years as required by applicable commodity regulations.

(ee) *Applicable commodity regulations* means the regulations for a crop of a particular commodity which are set forth in 7 CFR Parts 713-729 for wheat, feed grains, upland and extra long staple cotton, rice, tobacco, and peanuts.

4. In § 719.3, paragraphs (b)(1) and (b)(2) are revised and paragraphs (b)(7) and (d)(7) are added to read as follows:

#### § 719.3 Farm constitution.

(b) \* \* \*

(1) Land under separate ownership unless:

(i) The county committee determines that all such land is nearly equal in productive capacity, and

(ii) The owners agree in writing, except that when an ownership tract is added to an existing farm consisting of tracts having different ownership interests, the owners of the tracts to which the tract is added need for file another written agreement.

(2) Land under a lease agreement of less than 2 crop years duration.

(7) Land located in counties that are not adjoining.

(d) \* \* \*

(7) Notwithstanding the provisions of paragraphs (b)(1) through (6) of this section, a reconstitution shall not be approved if the county committee determines that the primary purpose of the reconstitution is to:

- (i) Increase the amount of program benefits received;
- (ii) Meet the acreage reduction requirements of production adjustment programs;
- (iii) Avoid liquidated damages or penalties under a production adjustment program;
- (iv) Correct an erroneous acreage report; or
- (v) Circumvent any other program provision.

5. In § 719.4, a new paragraph (g) is added to read as follows:

#### § 719.4 Guides for determining the land constituting a farm.

(g) *Productivity*. Combinations of land under different ownership shall not be permitted when the county committee determines that:

(1) One or more crops of wheat, feed grains, cotton, or rice planted on one tract is primarily irrigated and the same crop on the other tract is primarily nonirrigated; or

(2) The productivity of the land for producing wheat, feed grains, cotton, and rice is not substantially the same.

6. Section 719.7 is revised to read as follows:

#### § 719.5 County committee action to reconstitute a farm.

Action to reconstitute a farm may be initiated by the county committee, the farm owner, or the operator of the farm. Any request for a farm reconstitution shall be filed with the county committee. The farm operator of each farm before reconstitution and the farm operator of each farm after reconstitution shall be notified of the action taken by the county committee. The owners of the farm before reconstitution and the owners of such farm after reconstitution shall also be notified. If the proposed reconstitution is approved, each notice shall show the program year for which the reconstitution will become effective for each allotment, quota, and base.

7. Section 719.6 is revised to read as follows:

#### § 719.6 Substantive change in farming operations, and changes in related legal entities.

(a) *General Rule*. Land that is properly constituted as a farm shall not be reconstituted if:

(1) The reconstitution request is based upon the formation of a newly established legal entity which owns or operates the farm or any part of the farm and the county committee determines there is not a substantive change in the farming operation;

(2) The county committee determines that the primary purpose of the request for reconstitution is to: (i) Obtain additional benefits under one or more commodity programs; (ii) meet the ACR requirements of production adjustment programs; (iii) avoid damages or penalties under an acreage reduction contract or statute; (iv) correct an erroneous acreage report; or (v) circumvent any other program provisions. In addition, no farm shall remain as constituted when the county committee determines that a substantive change in the farming operation has occurred which would require a

reconstitution, except as otherwise approved by the State committee with the concurrence of the Deputy Administrator.

(b) *Determining Substantive Change*. In determining whether a substantive change has occurred with respect to a farming operation, the county committee shall consider factors such as the composition of the legal entities having an interest in the farming operation with respect to management, financing, and accounting. The county committee shall also consider the use of land, labor, and equipment available to the farming operations and any other relevant factors that bear on the determination.

(c) *Corporations and Trusts*. Unless otherwise approved by the State committee with the concurrence of the Deputy Administrator, when the county committee determines that a corporation, trust, or other legal entity is formed primarily for the purpose of obtaining additional benefits under the commodity programs, the farm shall remain as constituted, or shall be reconstituted, as applicable, when the farm is owned or operated by:

(1) A corporation having more than 50 percent of the stock owned by members of the same family living in the same household;

(2) Corporations having more than 50 percent of the stock owned by stockholders common to more than one corporation; or

(3) Trusts in which the beneficiaries and trustees are family members living in the same household.

(d) Application of the provisions of paragraph (c) of this section shall not limit or affect the application of paragraphs (a) and (b) of this section.

8. Section 719.7 is amended by revising paragraphs (a), (b)(1), and (c) to read as follows:

#### § 719.7 Reconstitution of allotments, quotas, bases, and acreages.

(a) *When to reconstitute*. Farms shall be reconstituted in accordance with this section as soon as it is determined that the land areas are not properly constituted and, to the extent practicable, shall be based on the facts and conditions existing at the time the change requiring the reconstitution occurred. For each farm reconstituted, the allotments, quotas, bases, and acreages shall also be reconstituted in accordance with the provisions of this part. County office records shall be corrected as necessary to reflect properly the basic data for each farm as reconstituted.

(b) *Effective dates of reconstitutions*.—(1) *Allotment crops*,



*quota crops, acreage base crops.* The county committee, in accordance with instructions issued by the Deputy Administrator, shall determine the effective date of all farm reconstitutions.

(i) Reconstitutions of farms on which is grown a crop with respect to which producers must enter contracts with the Commodity Credit Corporation in order to participate in the annual commodity program for such crop will be effective for the current program year if initiated on or before the last day of the period during which producers may enter into such contracts, unless:

(A) The reconstitution would affect a producer adversely, as determined by the State committee;

(B) Crop acreages were reported before requesting the reconstitution and the producer will not be in compliance with the program unless the reconstitution is effective; or

(C) The county committee determines that a producer has filed an erroneous acreage report for the relevant program year and the reconstitution would have the effect of eliminating the erroneous acreage report.

(ii) For farms other than those specified in paragraph (b)(1)(i) of this section, a reconstitution will be effective for the current program year for each crop for which the reconstitution is initiated before the planting of such crop begins or would have begun.

(iii) No reconstitution shall be effective for the current program year with respect to reconstitutions that result from the combination of two or more farms that are initiated:

(A) After the last date on which producers may enter into contracts with respect to farms described in paragraph (b)(1)(i) of this section; or

(B) After the planting of crops on the farm began or would have begun with respect to farms described in paragraph (b)(1)(ii) of this section.

(iv) Notwithstanding the provisions of paragraphs (b)(1)(i) and (ii) of this section, a reconstitution may be effective for the current program year if the county committee, with the concurrence of the State committee, determines that the purpose of the request for reconstitution is not to perpetrate a scheme or device the effect of which is:

(A) To avoid the statutes and regulations governing commodity programs;

(B) To obtain additional program benefits for the relevant crop year;

(C) To avoid the assessment of liquidated damages under a production adjustment contract;

(D) To eliminate a marketing quota penalty;

(E) To correct an erroneous acreage report;

(F) To gain allotment, quota, or base history protection;

(G) To plant excess acreage of a program crop in an acreage reduction program; or

(H) To avoid cross compliance requirements.

\* \* \* \* \*

(c) *Adjustments and release and reapportionments.* Allotments, quotas, bases, and acreages for reconstituted farms resulting from the divisions or combinations of parent farms in accordance with this part are subject to the requirements governing: (1) Adjustments from allotment and quota reserves for the commodity; (2) released and reapportioned farm allotments and quotas; and (3) base adjustments. The application of these provisions shall be in accordance with the regulations governing the determination of allotments, quotas, and bases for the commodity involved.

9. Section 719.8 is revised to read as follows:

**§ 719.8 Rules for determining farms, allotments, quotas, bases, and acreages when reconstitution is made by division.**

(a) *General.* The methods for dividing farms, allotments, quotas, bases, and acreages in order of precedence, when applicable, are estate, designation by landowner, contribution (including contribution-cropland and contribution-history), cropland, and history.

(b) *Estate method.* The estate method is the proration of allotments, quotas, bases, and acreages for a parent farm among the heirs in settling an estate. If the estate sells a tract of land before the farm is divided among the heirs, the allotments, quotas, bases, and acreages for that tract shall be determined by using one of the methods provided in paragraphs (c) through (g) of this section.

(1) Allotments, quotas, bases, and acreages shall be divided in accordance with a will, but only if the county committee determines that the terms of the will are such that a division can reasonably be made by the estate method.

(2) If there is no will or the county committee determines that the terms of a will are not clear as to the division of allotments, quotas, bases, and acreages, such allotments, quotas, bases, and acreages shall be apportioned in the manner agreed to in writing by all interested heirs or devisees who acquire an interest in the property for which such allotments, quotas, bases, and acreages have been established. An agreement by the administrator or

executor shall not be accepted in lieu of an agreement by the heirs or devisees.

(3) If allotments, quotas, bases, and acreages are not apportioned in accordance with the provisions of paragraph (b)(1) or (2) of this section, the allotments, quotas, bases, and acreages shall be divided pursuant to paragraphs (d) through (g) of this section, as applicable.

(c) *Designation by landowner method.*

(1) If the ownership of a tract of land is transferred from a parent farm, the transferring owner may request that the county committee divide the allotments, quotas, bases, and acreages between the parent farm and the transferred tract, or between the various tracts if the entire farm is sold to two or more purchasers, in a manner designated by the owner of the parent farm subject to the conditions set forth in paragraph (c)(4) of this section.

(2) If the county committee determines that allotments, quotas, bases, and acreages cannot be divided in the manner designated by the owner because of the conditions set forth in paragraph (c)(4) of this section, the owner shall be notified and permitted to revise the designation so as to meet the conditions in paragraph (c)(4) of this section. If the owner does not furnish a revised designation of allotments, quotas, bases, and acreages within a reasonable time after such notification, or if the revised designation does not meet the conditions of paragraph (c)(4) of this section, the county committee will prorate the allotments, quotas, bases, and acreages in accordance with paragraphs (d) through (g) of this section.

(3) If a parent farm is composed of tracts, under separate ownership, each separately owned tract being transferred in part shall be considered a separate farm and shall be constituted separately from the parent farm using the rules in paragraphs (d) through (g) of this section, as applicable, prior to application of the provisions of this paragraph.

(4) A landowner may designate, as provided in this paragraph, the manner in which allotments, quotas, bases and acreages are divided.

(i) The seller and purchaser shall file a signed written memorandum of understanding of the designation with the county committee before the farm is reconstituted and before a subsequent transfer of ownership of the land. The heirs of an estate that acquire an interest in real property may use this method to designate the allotments, quotas, bases, and acreages for allocation to a tract of land which is



sold before dividing the parent farm among the heirs in settling an estate. The designation by the administrator or executor of the estate shall not be accepted in lieu of a designation by the heirs.

(ii) Where the land of the parent farm is subject to a deed of trust, lien, or mortgage, the holder of the deed of trust, lien, or mortgage must agree to the division of allotments, quotas, bases, and acreages.

(iii) Neither the tract transferred from the parent farm nor the remaining portion of the parent farm shall receive or retain allotments, quotas, or bases in excess of allotments, quotas, and bases for similar farms in the same area having allotments, quotas, and bases with respect to the commodity or commodities involved.

(iv) Where the part of the farm from which the ownership is being transferred was owned for a period of less than three years, the designation by landowner method shall not be available with respect to the transfer unless the county committee determines that the primary purpose of the ownership transfer was other than to retain or to sell allotments, quotas, or bases. In the absence of such a determination, and if the farm contains land which has been owned for less than three years, that part of the farm which has been owned for less than three years shall be considered as a separate farm and the allotments, quotas, and bases shall be assigned to that part in accordance with paragraphs (d) through (g) of this section. Such apportionment shall be made prior to any designation of allotments, quotas, and bases with respect to the part which has been owned for three years or more.

(5) If ownership of the land is being transferred to a Federal or State government or agency thereof in accordance with the exercise of a right of eminent domain, the designation by landowner method shall not be used. If the land is acquired by eminent domain, the provisions of § 719.11 shall apply.

(6) The designation by landowner method is not applicable to (i) burley tobacco quotas or (ii) to crop allotments or quotas which are restricted to transfer within the county by lease, sale, or by owner, when the land on which the farm is located is in two or more counties.

(7) The designation by landowner method may be applied at the owner's request to land owned by an Indian Tribal Council which is leased to two or more producers for the production of any crop of a commodity for which an allotment, quota, or base has been established. If the land is leased to two

or more producers, the Tribal Council may request that the county committee divide the allotments, quotas, and bases between the applicable tracts in the manner designated by the Council. The use of this method shall not be subject to the conditions of paragraph (c)(4) of this section.

(d) *Contribution method.* The contribution method is the proration of a parent farm's allotments, quotas, and bases to each tract as the tract contributed to the allotments, quotas, and bases at the time of combination and may be used when the provisions of paragraphs (b) and (c) of this section do not apply.

(1) *Allotments and quotas.* Unless the provisions of paragraph (b) or (c) of this section apply, the contribution method shall be used to divide allotments and quotas for a farm that resulted from a combination which became effective during the 6-year period before the crop year for which the reconstitution is effective. This method for dividing allotments and quotas shall be used beyond the 6-year period if ASCS records are available to show the contribution, unless the county committee determines with the concurrence of the State committee, that the use of the contribution method would not result in an equitable distribution of allotments and quotas considering available land, cultural operations, and changes in type of farming. The contribution method shall not be used in cases involving the division of allotment or quota for any commodity for which there was no allotment or quota established at the time of the combination.

(2) *Bases.* The contribution method is applicable when:

(i) The farm being divided is the result of reconstitution by a combination which became effective with respect to the 1982 or subsequent crop year;

(ii) A crop acreage base was established for one or more of the tracts at the time of combination;

(iii) For divisions which became effective in the 1985 or earlier crop year and;

(A) The producer on the farm participated in the applicable commodity program or filed a zero acreage report each year the acreage involved was combined as one farm, and

(B) The county committee determines that the use of this method would result in an equitable distribution of the bases considering available land, cultural operations, and changes in type of farming; or

(iv) The division is effective for the 1986 or subsequent crop year and

acreage did not exceed the base in any year the farm was in combination.

(e) *Contribution-Cropland or Contribution-History Method.* In cases where the allotments, quotas, and bases are divided by the contribution method in accordance with paragraph (d) of this section and a division of a tract is required, the allotments, quotas, and bases shall first be apportioned among the parts of the tracts by the cropland or history method in accordance with paragraph (f) or (g) of this section and then apportioned to the tracts by the contribution method.

(f) *Cropland method.* The cropland method is the proration of allotments, quotas, bases, and acreages to the tracts being separated from the parent farm in the same proportion that the cropland for each tract bears to the cropland for the parent farm. For rice, the acreage of cropland that is available for the production of rice shall be considered the cropland of the parent farm and the separated tracts. The county committee shall determine the cropland on the tracts of the parent farm before making the proration. This method shall be used if the provisions of paragraphs (b) through (d) of this section do not apply unless the county committee determines that a division by the history method would result in allotments, quotas, bases, and acreages which is more representative than if the cropland method is used after taking into consideration the operation normally carried out on each tract during the respective base period for the commodities produced on the farm. Notwithstanding any other provision of this paragraph, the allotments, quotas, bases, and acreages for a farm shall be apportioned on the basis of the cropland available for, and adapted to, the production of the commodity for which an allotment, quota, and base has been established for each tract if the owners of such farm file with the county office a written agreement as to the amount of available and adapted cropland and the county committee approves such agreement.

(g) *History method.* The history method is the proration of allotments, quotas, bases, and acreages to the tracts being separated from the farm on the basis of the acreage determined to be representative of the operations normally carried out on each tract during the respective base period for the commodities. The base period for each commodity shall be determined according to the applicable commodity regulations. The county committee may use the history method of dividing



allotments, quotas, bases, and acreages when it:

(1) Determines that this method would result in the combination of allotments, quotas, bases, and acreages more representative than the cropland method of division of the operation normally carried out on each tract during the respective base period for the commodity, and

(2) Obtains written consent of all interested owners to use the history method. Notwithstanding any other provision of this paragraph, the county committee may waive the requirement for written consent of the owners for dividing allotments, quotas, bases, and acreages if the county committee determines that:

(i) The use of the cropland method would result in an inequitable division of the parent farm's allotments, quotas, bases, and acreages and the use of the history method would provide more favorable results for all owners; and

(ii) With respect to bases, the use of the history method will not result in a divided tract receiving a disproportionate share of the parent farm's base because of the rotation cycle or abnormal weather during the base period.

(h) *Variation in reconstituted allotments, quotas, and bases.* Allotments, quotas, and bases apportioned among the divided tracts pursuant to paragraphs (d) through (g) of this section may be increased or decreased with respect to a tract by as much as 10 percent of the allotment, quota, or base determined under such subsections for the parent farm if: (1) The owners agree in writing, and (2) the county committee determines the method used did not provide an equitable distribution considering available land, cultural operations, and changes in the type of farming conducted on the farm. Any increase in an allotment, quota, or base with respect to a tract pursuant to this paragraph shall be offset by a corresponding decrease for such allotments, quotas or bases established with respect to the other tracts which constitute the farm.

(i) *Divided acreages.* The acreages for divided farms shall be determined by using the same percentage figure as was used to apportion the allotments, quotas, and bases for the respective commodity.

(j) *Commodity yields.* For commodity yields, applicable commodity regulations shall apply.

(k) *Reconstitutions of farms under Conservation Reserve Program contract.* When a farm which is subject to a contract under the Conservation Reserve Program is reconstituted, the allotments, quotas, and bases

apportioned among the resulting farms pursuant to paragraphs (b) through (g) of this section may be increased or decreased in accordance with instructions issued by the Deputy Administrator as necessary to ensure the effective operation of the Conservation Reserve Program.

10. Section 719.9 is revised to read as follows:

**§ 719.9 Rules for determining allotments, quotas, bases, and acreages when reconstitution is by combination.**

When two or more farms or tracts are combined for a crop year, that crop year's allotments, quotas, bases, and acreages with respect to the combined farm, as required by applicable commodity regulations, shall equal the sum of the allotments, quotas, bases, and acreages for each of the farms or tracts comprising the combination, subject to the provisions of § 719.7(c).

11. Section 719.10 is revised to read as follows:

**§ 719.10 Preservation of cropland.**

Cropland acreage established and maintained in vegetative cover (excluding trees) under authorized conservation programs administered by the Agricultural Stabilization and Conservation Service, or comparable practices carried out without Federal cost-sharing including approved volunteer cover, shall retain its cropland classification for the period of time that the cover is maintained.

12. Section 719.11 is amended by revising paragraphs (a), (d), (e), (f), (g), (h), (i), (j)(1) introductory text (j)(2), (j)(4)-(8), (k), (l), and (m) to read as follows:

**§ 719.11 Eminent domain acquisitions.**

(a) *General.* This section provides a uniform method for reallocating allotments, quotas, and bases with respect to land involved in eminent domain acquisitions. Such allotments, quotas, and bases, in accordance with this section, may be pooled for the benefit of the owner who is displaced from the acquired farm by eminent domain acquisition. Such pooling shall be for a 3-year period from the date of displacement or during such other period as the displaced owner may request for the transfer of allotments, quotas, and bases from the pool to other farms owned by such person.

(d) *Displacement.* The owner shall be considered displaced from a farm which is subject to an eminent domain acquisition on the date:

(1) The owner loses possession of the land;

(2) The owner is voluntarily displaced if a binding contract for acquisition has been executed;

(3) In the case of a flowage easement, the owner determines it is no longer practical to conduct farming operations on the land; or

(4) The owner loses possession of the land as lessee under a lease from the agency or its designee if the lease provided uninterrupted possession to the owner from the date of acquisition to the end of the lease or extensions of the lease.

(e) *Notice of displacement.* The owner shall notify the county committee in writing of the eminent domain acquisition and furnish the date of displacement as soon as possible so that allotments, quotas, and bases may be pooled in accordance with this section. Failure to so notify the county committee shall result in the loss of the ability of the owner to extend the 3-year period of the pool.

(f) *Pool.* Whenever the county committee determines, by notice from the owner or otherwise, that an owner has been displaced from the farm county committee shall establish a pool for the allotments, quotas, and bases eligible for pooling under this section for a 3-year period beginning on the date of displacement. Pooled allotments, quotas, and bases shall be considered fully planted and, for each year in the pool, shall be established in accordance with applicable commodity regulations.

(g) *Cases where pooling is not permitted or required.*—(1) *Agency has authority to continue crop production.* If the county committee determines that an agency has authority under its eminent domain powers to acquire a farm for the continued production of an allotment, quota, or base and does so acquire a farm only for such purpose and files a written notice with the county committee of the county in which the farm is located at the time of acquisition designating the allotment, quota, and base to be produced on the farm, there shall be no pooling of such allotment, quota, and base. Such farm allotments, quotas, and bases shall be established for the farm in accordance with applicable commodity regulations.

(2) *Owner waives right to have pooling.* If the displaced owner files written notice with the county committee of an intention to waive the right to have all the allotments, quotas and bases or any part thereof pooled and the county committee determines that the displaced owner has not been coerced to waive such right, the allotments, quotas, and bases shall be retained on the agency acquired land.



(3) *Less than 15 percent of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents less than 15 percent of the total cropland on the farm, the allotments, quotas, and bases shall be retained on the portion of the farm not acquired by the agency and shall not be pooled.

(4) *15 percent or more of cropland acquired.* If an agency acquires part of a farm for nonfarming purposes and the cropland on the land so acquired represents 15 percent or more of the total cropland on a farm, the allotments, quotas, and bases attributable to the acquired land shall be retained on the portion of the farm not acquired by the agency if the owner files a written request with the county committee for such retention. The amount of an allotment, quota, and base which may be retained on the farm cannot exceed the available cropland and cannot exceed the allotment, quotas, and bases established on similar farms in the area, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and other physical factors affecting production. Allotments, quotas, and bases which are not retained shall be pooled.

(5) *In-county transfer upon displacement.* If, prior to pooling, an owner files a request to transfer the allotments, quotas, and bases to other farms in the same county which are owned by such owner, the county committee may approve a direct transfer without the formal establishment of a pool. Such transfer shall be subject to the requirements of paragraph (j) of this section. This paragraph shall govern the release and reapportionment of pooled allotments and quotas notwithstanding other provisions of applicable commodity regulations.

(h) *Release of pooled allotments and quotas.* Pooled allotments, quotas, and bases may be released on an annual basis by the owner to a county committee during any year for which allotments and quotas are pooled and not otherwise transferred from the pool. The county committee may reapportion the released allotments and quotas to other farms in the same county that have allotments, quotas, or bases for the same commodity. Pooled allotments and quotas shall not be released on a permanent basis or surrendered after release to the State committee for reapportionment in other counties. Reapportionment shall be on the basis of past acreage of the commodity, land, labor, and equipment available for the

production of the commodity, crop rotation practices, and other physical factors affecting the production of the commodity. Pooled allotments and quotas which are released shall be considered to have been fully planted in the pool and not on the farm to which such allotments and quotas are reapportioned.

(1) *Sale, lease, and owner transfers.* Pooled allotments and quotas which may be transferred on a permanent or temporary basis by sale, lease, or by owner designation may be transferred permanently from the pool by the owner or temporarily for the duration of the pooled allotment or quota, subject to the terms and conditions for such transfers in the applicable commodity regulations.

(j) *Regular transfers from the pool—(1) General rule.* The displaced owners may request a transfer of all or part of the pooled allotments, quotas, and bases to any other farm in the United States which is owned by the displaced owner, but only if there are farms in the receiving county with allotments, quotas, and bases for the particular commodity or, if there are no such farms, the county committee determines that farms in the receiving county are suited for the production of the commodity. For purposes of this paragraph:

(2) *Application for transfer.* The displaced owner shall file with the receiving county committee written application for transfer of an allotment, quota, or base from the pool within 3 years after the date of displacement. The application shall contain a certification from the owner that no agreement has been made with any person for the purpose of obtaining an allotment, quota, or base from the pool for a person other than for the displaced owner. The owner shall attach to the application all pertinent documents pertaining to the current ownership or purchase of land and any leasing arrangements, such as the deed of trust or mortgage, a warranty deed, a note, sales agreement, and lease.

(4) *Elements of bona fide ownership.* The transfer from the pool will be approved by the receiving county committee only if the county committee determines that the owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish farming operations. The elements of such an acquisition shall include, but are not limited to, the following:

(i) Appropriate legal documents must establish title to the receiving farm;

(ii) If the displaced owner was the operator of the acquired farm at the date of displacement, such owner must personally operate and be the operator of the receiving farm for the first year that the allotment, quota, and base is transferred;

(iii) If the displaced owner was not the operator of the acquired farm at the date of displacement and was not a producer on that farm because the leasing or rental agreement provided for cash, fixed rent, or standing rent payment, such owner shall not be required to operate personally and be the operator of the receiving farm, but at least 75 percent of the allotments or bases for the receiving farm must be planted on the receiving farm during the first year of the transfer. With respect to a commodity for which a quota is applicable but for which there is no acreage allotment, an acreage which is equal to the result of dividing the quota transferred to the receiving farms by the receiving farm's yield, multiplied by 75 percent must be planted during the first year of the transfer;

(iv) If the displaced owner was not the operator of the acquired farm at the date of displacement but was a producer on that farm at the date of displacement as the result of having received a share of the crops produced on the acquired farm, such displaced owner shall not be required to be the operator of the receiving farm but must be a producer on the receiving farm during the first year that an allotment, quota, or base is transferred;

(v) The contractual arrangements between the displaced owner and the seller of the receiving farm must not contain a requirement that the receiving farm be leased to the seller or a person designated by or subject to the control of the seller. The seller or a person designated by or subject to the control of the seller may not lease the receiving farm for the first year the allotment, quota, or base is transferred; and

(vi) The contractual arrangements under which the receiving farm was purchased or leased must be customary in the community where the receiving farm is located with respect to purchase price and timing and amount of purchase or rental payments.

(5) *Action of receiving State committee.* The approval by the receiving county committee of a transfer from the pool under this paragraph shall be effective upon concurrence by the State committee of the State where the receiving farm is located (i.e., the receiving State committee). Notwithstanding any other provision of this section, the receiving State



committee may authorize a transfer from the pool in any case where the owner presents evidence satisfactory to the receiving State committee that:

(i) The eligibility requirements of paragraph (j)(4)(ii)-(iv) of this section cannot be met without substantial hardship because of illness, old age, multiple farm ownership, or lack of a dwelling on the farm to which an allotment, quota, or base is to be transferred; or

(ii) The owner has made a normal acquisition of the receiving farm for the purpose of bona fide ownership to reestablish farming operations for the displaced owner, even if the farm is leased to the seller of the farm for the first year for which the allotment, quota, or base is transferred.

(6) *Amount of allotment, quota, and base available for transfer.* Upon completion of all necessary approvals under this paragraph, the receiving county committee shall issue an appropriate notice of allotment, quota, and base under the applicable commodity regulations, taking into consideration the land, labor, and equipment available for the production of the commodity, crop rotation practices, and the soil and other physical factors affecting the production of the commodity. For purposes of determining the amount of the allotment, quota, and base available for transfer, the receiving county committee shall consider the receiving tract as a separate ownership. The acreage transferred from the pool shall not exceed the allotments and quotas most recently established for the acquired farm placed in the pool. When all or a part of the allotment, quota, and base placed in the pool is transferred and used to establish or increase the allotment, quota, and base for other farms owned or purchased by the owner, all of the proportionate part of the past acreage history for the acquired farm shall be transferred to and considered for purposes of future allotments, quotas, and bases to have been planted on the receiving farm for which an allotment, quota, and base are established or increased under this section. If only a part of the available allotment, quota, and base is transferred from the pool, the remaining part of the allotment, quota, base shall remain in the pool for transfer to other farms of the owner until all such allotments, quotas, and bases have been transferred or until the period of eligibility for establishing or increasing allotments, quotas, and bases under this section has expired.

(7) *Cancellation of transfers.* If any allotment, quota, or base is transferred

under this subparagraph and it is later determined by the receiving county or State committee, or by the Deputy Administrator, that the transfer was obtained by misrepresentation by or on behalf of the owner, or that the conditions of paragraph (j)(4) of this section are not met, the allotment, quota, and base for the receiving farm shall be reduced for each year the transfer purportedly was in effect by the amount attributable to the allotment, quota, or base transferred from the pool. If the time period for the transfer of the allotment, quota, or base from the pool has not expired, the amount of allotment, quota, or base initially transferred from the pool shall be returned to the pool after the period of time has expired in which the displaced owner could exercise the right of administrative review. Any cancellation of the transfer of an allotment, quota, or base by the receiving county committee shall be subject to approval by the receiving State committee. The receiving county committee shall issue a notice of any marketing quota and penalty as may be required in accordance with applicable commodity regulations.

(8) *Effect of release of pooled allotment, quota, and bases.* If the displaced owner files a request for transfer of a pooled allotments, quotas, or base within the prescribed period for filing such request, but the request for transfer is filed during a year in which all or a part of the pooled allotments, quotas, or bases were released to the transferring county committee pursuant to paragraph (h) of this section, the application for transfer will be processed in the usual manner but the amount of the commodity released shall not be effective on the receiving farm until the succeeding year. When a request for transfer of pooled allotment, quota, or base involves a transfer from one State to another, the receiving State committee shall obtain information from the transferring State committee as to whether any part of the allotment, quota, or base for which the transfer is requested has been released to the transferring county committee for the current year.

(k) *Constitution of acquired land.* (1) When the displaced owner leases part but not all of the agency acquired land, such part shall be constituted as a separate farm on the date of the displacement of the owner from the land not so leased.

(2) If a parent farm consists of separate ownership tracts, each such tract being acquired in whole or in part shall be considered as a separate farm

for purposes of paragraphs (k)(3) and (4) of this section.

(3) If part of a farm is acquired by an agency and the owner is displaced therefrom, such part shall be constituted as a separate farm on the date of displacement unless the allotments, quotas, and bases are retained on the part not acquired as provided in paragraphs (k) (3) and (4) of this section, in which case the farm shall not be reconstituted but the farmland and cropland data shall be corrected on all appropriate records for the parent farm.

(l) *Successors in interest.*—(1) *Designation of beneficiary.* The displaced owner may file with the county committee a written designation of beneficiary of the rights in the allotments, quotas, and bases attributable to the acquired land in the event of the death of the displaced owner, and may revise such designation from time to time. The beneficiary of a deceased owner may exercise the right to continue a lease or negotiate a lease with the agency or its designee, the regular transfer rights with respect to farms owned by such beneficiary, and the release, sale, lease, and owner transfer rights under this section.

(2) *Cases where no beneficiary is designated.* If the displaced owner does not file a designation of beneficiary under paragraph (l)(1) of this section and the displaced owner dies before displacement or after pooling occurs, the following persons shall be considered the beneficiary with the rights provided under paragraph (l)(1) of this section:

(i) The surviving joint owner of the farm where two persons own the farm as joint tenants with right of survivorship.

(ii) The persons who succeed to the deceased displaced owner's interest under a will or by intestate succession. However, in the case of intestate succession, the person shall be limited to the surviving spouse, mother, father, brothers, sisters, or children of the deceased displaced owner. In the settlement of the estate of the deceased displaced owner, the heirs may file a written agreement with the county committee for the division of the deceased displaced owner's rights under this section.

(m) *Limitations on transfers from the pool.* (1) No transfer from the pool under paragraph (h), (i), or (j) of this section shall be approved if there remains any unpaid marketing quota penalty due with respect to the marketing of the commodity from the acquired farm by the displaced owner, or if any of the commodity produced on the agency acquired farm has not been accounted



for as required under applicable commodity regulations.

(2) If an allotment or quota for an acquired farm next established after the data of displacement would have been reduced because of false or improper identification of the commodity produced on or marketed from the farm, or as the result of a false acreage report, the allotment or quota shall be reduced in the pool in accordance with the applicable commodity regulations.

#### § 719.13 [Removed]

#### § 719.14 [Redesignated as § 719.13]

13. Section 719.13 is removed and the existing § 719.14 is redesignated § 719.13 and is revised to read as follows:

#### § 719.13 Transfer of allotments and quotas—State public lands.

(a) *General Authority.* Transfers of allotments and quotas between farms in the same county may be permitted where both farms are composed of public lands of the State.

(b) *Application for transfer.* An application in writing requesting the transfer of one or more of the allotments and quotas on a farm entirely comprised of public lands of a State shall be filed with the county committee by the agency of the State charged with the administration of the land in such farms. The application shall identify the farms as being within the same county, show that each farm is entirely comprised of public lands of the State, and list the allotments and quotas requested to be transferred. Additional information with respect to the present operations on the farms, including all leasing arrangements, shall also be set forth in the application.

(c) *Closing date for filing applications.* The State committee shall establish the closing date for filing applications under paragraph (b) of this section for each year which shall be no later than the general planting date in the county for the commodity involved in the transfer.

(d) *Productivity adjustment in allotments, quotas, and acreage.*—(1) *Productivity adjustment.* Each transfer of an allotment and quota under this section shall be adjusted for differences in farm productivity if the yield projected for the year the transfer is to take effect for the farm to which transfer is made exceeds the yield projected for the year the transfer is to take effect for the farm from which transfer is made by more than 10 percent. The county committee shall determine the amount of the allotment and quota to be transferred where a productivity adjustment is required to be made by dividing:

(i) The product of the yield for the farm from which the transfer is made and the acreage to be transferred from such farm, by

(ii) The yield for the farm to which the transfer is made.

(2) *Acreage.* Acreage for the farm receiving the allotment or quota shall be adjusted by the same percentage as the allotment or quota being transferred is adjusted. The amount of the allotment and quota and related acreage transferred from the farm from which the transfer is made shall be the full amount, but the amount of all allotment or quota and related acreage for the farm to which the transfer is made shall be the adjusted amount.

(e) *Limitation on acreages to be transferred.* The amount of allotment and quota on a farm after a transfer under this section is made shall not exceed the average amount of allotment or quota of at least three farms with acreage of cropland similar to the farm receiving the transfer in the community having the applicable allotment acreage and quota on these farms.

(f) *Permanent vegetative cover requirements.* Each transfer of any allotment and quota shall be subject to the condition that an acreage equal to the allotment and quota transferred, before any productivity adjustment, shall be devoted to and maintained in permanent vegetative cover on the farm from which the transfer is made. The acreage to be devoted to and maintained in permanent vegetative cover with respect to quota crops shall be determined by dividing the quota transferred by the yield of the farm from which the quota is transferred.

(g) *County committee action.* Transfer of an allotment and quota under this section shall only be approved if: (1) The county committee determines that a timely filed application has been received and that the provisions of this section have been met, and (2) a representative of the State committee also determines that the provisions of this section have been met. If such a transfer is approved, the county committee shall issue revised notices of the allotment or quota for each farm affected by the transfer. If a county committee obtains evidence that the conditions applicable to any transfer under this section have not been met, a report of the facts shall be made to the State committee. If the State committee determines that such conditions have not been met, the transfer will be canceled, and the allotment and quota shall be retransferred to the original farm. Where cancellation and retransfer is required, the county committee shall issue revised notices of the allotment or

quota showing the reasons for the cancellation of the transfer.

14. Section 719.14 is added to read as follows:

#### § 719.14 Paperwork Reduction Act Assigned Numbers.

The information collection requirements contained in these regulations (7 CFR Part 719) have been approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C. Chapter 35 and have been assigned OMB Control Numbers 0560-0025 and 0560-0033.

Signed at Washington, DC, on February 22, 1988.

Vern Neppi,

Acting Executive Vice President, Commodity Credit Corporation and Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 88-4233 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-05-M

### Agricultural Marketing Service

#### 7 CFR Part 917

#### Fresh Pears, Plums, and Peaches Grown in California; Increase in Expenses for 1987-88 Fiscal Period

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This final rule authorizes an increase in expenditures for the Plum and Peach Commodity Committees under Marketing Order 917 for the 1987-88 fiscal year. For plums, the expenses are increased from \$3,036,485 to \$3,125,626. For peaches, the expenses are increased from \$2,401,435 to \$2,409,180. The increases reflect higher than estimated costs for market development and promotion activities undertaken by the plum and peach committees in marketing the 1987 crops of these fruits.

**EFFECTIVE DATES:** March 1, 1987 through February 29, 1988 [§§ 917.247 and 917.248].

#### FOR FURTHER INFORMATION CONTACT:

Jerry N. Brown, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-475-5464.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 917 [7 CFR Part 917] regulating the handling of fresh pears, plums, and peaches grown in California. The order is effective under the Agricultural Marketing Agreement Act



of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this final rule on small entities.

A final rule establishing expenses in the amount of \$3,036,485 for the Plum Commodity Committee and \$2,401,435 for the Peach Commodity Committee for the fiscal period ending February 29, 1988, was published in the *Federal Register* on August 20, 1987 [52 FR 31375]. That action also fixed assessment rates to be levied on peach and plum handlers during the 1987-88 fiscal period. At a meeting held on December 9, 1987, the Plum Commodity Committee voted unanimously to increase its budget of expenses from \$3,036,485 to \$3,125,626. On December 8, 1987, the Peach Commodity Committee also voted unanimously to increase its budget of expenses from \$2,401,435 to \$2,409,180.

A proposed rule inviting comments on these increases was issued on January 27, 1988, and published in the *Federal Register* on February 2, 1988 [53 FR 2851]. The comment period ended February 12, 1988. No comments were received.

Both committees incurred higher than expected market development and promotion costs in marketing the 1987 plum and peach crops. The increases are needed to cover these expenses.

The Plum and Peach Commodity Committees have adequate funds available to cover the increased expenses. Hence, no changes in assessment rates are necessary because of the increases.

Therefore, the Administrator of AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

It is found that the increased expenses are reasonable and likely to be incurred, and that such expenses will tend to effectuate the declared policy of the Act.

Approval of the increased expenses must be expedited because the committees need to have authority to pay their expenses which are incurred on a daily basis. Therefore, the Secretary also finds that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register* [5 U.S.C. 553].

#### List of Subjects in 7 CFR Part 917

Marketing agreement and order.  
Pears, Plums, Peaches, California.

#### PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

For the reasons set forth in the preamble, §§ 917.247 and 917.248 are amended as follows:

1. The authority citation for 7 CFR Part 917 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Sections 917.247 and 917.248 are amended as follows:

##### § 917.247 [Amended]

Section 917.247 is amended by changing "\$3,036,485" to "\$3,125,626".

##### § 917.248 [Amended]

Section 917.248 is amended by changing "\$2,401,435" to "\$2,409,180".

Dated: February 25, 1988.

Robert C. Keeney,  
Deputy Director, Fruit and Vegetable  
Division, Agricultural Marketing Service,  
[FR Doc. 88-4397 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-02-M

#### 7 CFR Part 985

#### Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1988-89 Marketing Year

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

**SUMMARY:** This rule establishes the quantity of spearmint oil produced in the Far West, by class, that may be purchased from or handled for producers by handlers during the 1988-89 marketing year, which begins June 1, 1988. This action is taken under the marketing order for spearmint oil produced in the Far West in order to avoid extreme fluctuations in supplies and prices and thus stabilize the market for spearmint oil.

**EFFECTIVE DATE:** March 31, 1988.

**FOR FURTHER INFORMATION CONTACT:** Jacquelyn R. Schlatter, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, Room 2525, South Building, P.O. Box 96456, Washington, DC 20090-6456, telephone: (202) 447-5120.

**SUPPLEMENTARY INFORMATION:** This final rule is issued under Marketing Order No. 985, as amended [7 CFR Part 985], regulating the handling of spearmint oil produced in the Far West.

This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601-674], hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service has considered the economic impact of this action on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

The Far West spearmint oil industry is characterized by primarily small producers whose farming operations generally involve more than one commodity and whose income from farming operations is not exclusively dependent on the production of spearmint oil. The production of spearmint oil is concentrated in the Far West, primarily Washington, Idaho, and Oregon (the area covered under the marketing order). Spearmint oil is also produced in the Midwest and Great Plains. The production area covered by the marketing order usually accounts for more than 75 percent of U.S. production of spearmint oil.

The Spearmint Oil Administrative Committee (Committee) reports that there are approximately 9 handlers and 253 producers of spearmint oil under the marketing order for spearmint oil produced in the Far West. Of the 253 producers, 170 producers hold Class I oil (Scotch) allotment base and 143 producers hold Class III oil (Native) allotment base. As of June 1, 1987, the producers' allotment base ranged from 667 to 181,902 pounds for Class I oil and from 308 to 82,267 pounds for Class III oil. The average total allotment base held is 10,008 pounds and 13,264 pounds for Class I and Class III oils, respectively.

Small agricultural producers have been defined by the Small Business Administration [13 CFR 121.1] as those having average gross annual revenues for the last three years of less than \$500,000, and small agricultural service firms are defined as those whose gross



annual receipts are less than \$3,500,000. The majority of Far West spearmint oil producers and handlers may be classified as small entities.

This final rule will establish salable quantities of 650,131 pounds and 701,077 pounds and allotment percentages of 39 percent and 38 percent, respectively, for Class I and Class III spearmint oils produced in the Far West. This rule will limit the amount of spearmint oil that may be purchased from or handled for producers, by handlers, during the 1988-89 marketing year, which begins June 1, 1988. Such salable quantities and allotment percentages have been placed into effect each season since the order's inception in 1980. The establishment of salable quantities and allotment percentages will likely result in the production of less than half of the total allotment base available for production of spearmint oil. However, the amounts recommended for sale are based on the average sales over the past five years, and are not expected to cause a shortage of spearmint oil supplies. Any unanticipated or additional market needs which may develop can be more than satisfied by current reserve stocks which are equal to more than 50 percent of the volume of spearmint oil utilized by the market on a yearly basis. In addition, those producers who produce more than their annual percentage of allotment may transfer such excess spearmint oil to a producer with a deficiency in spearmint oil production, or such excess spearmint oil may be placed into reserve stocks.

This regulation is similar to that which has been issued in prior seasons. Costs to producers and handlers resulting from this action are expected to be offset by the benefits derived from improved returns.

The salable quantity and allotment percentage for each class of spearmint oil are established in accordance with the provisions of Marketing Order No. 985, regulating the handling of spearmint oil produced in the Far West. The order is effective under the Act. The salable quantity and allotment percentages were recommended by the Committee at its August 12, 1987, meeting.

The salable quantity and allotment percentage for each class of spearmint oil for the 1988-89 marketing year, which begins June 1, 1988, is based upon recommendations of the Committee and the following data and estimates:

#### (1) Class I Oil (Scotch Spearmint)

(A) Estimated carryin on June 1, 1988—15,703 pounds.

(B) Estimated trade demand (domestic and export) for the 1988-89 marketing year, based on an average of producer

sales for the past five marketing years, beginning with the 1981-82 marketing year through the 1985-86 marketing year (the estimated trade demand reflects 100,000 pounds of oil expected to be available from outside the production area)—761,063 pounds.

(C) Recommended desirable carryout on May 31, 1989—0 pounds.

(D) Salable quantity required from 1988 regulated production only—645,360 pounds (the salable quantity reflects a 100,000 pound reduction representing the expected 100,000 pounds to be available from outside the production area).

(E) Total allotment bases for Class I oil—1,667,002 pounds.

(F) Computed allotment percentage—38.7 percent.

(G) The Committee's recommended salable quantity—650,131 pounds.

(H) Recommended allotment percentage—39 percent.

#### (2) Class III Oil (Native Spearmint)

(A) Estimated carryin on June 1, 1988—50,000 pounds.

(B) Estimated trade demand (domestic and export) for the 1988-89 marketing year—750,000 pounds.

(C) Recommended desirable carryout on May 31, 1989—0 pounds.

(D) Salable quantity required from 1988 production—700,000 pounds.

(E) Total allotment bases for Class III oil—1,844,940 pounds.

(F) Computed allotment percentage—37.9 percent.

(G) The Committee's recommended salable quantity—701,077 pounds.

(H) Recommended allotment percentage—38 percent.

The salable quantity is the total quantity of each class of oil which handlers may purchase from or handle on behalf of producers during a marketing year. Each producer is allotted a share of the salable quantity by applying the allotment percentage to the producer's allotment base for the applicable class of spearmint oil. Pursuant to the order, the Committee may issue additional allotment base to both new and existing producers for each marketing year.

Based on available information, the Administrator of the AMS has determined that the issuance of this final rule will not have a significant economic impact on a substantial number of small entities.

This action establishes a new § 985.208 and is based on recommendations of the Committee. Notice of a proposal to establish the salable quantity and allotment percentage for each class of oil was published in the December 9, 1987, issue of the *Federal Register* [52 FR 46601].

Comments on the proposed rule were invited from interested persons until January 8, 1988. No comments were received. The salable quantities and allotment percentages established by this final rule are identical to those contained in the proposed rule.

The establishment of these salable quantities and allotment percentages allows for anticipated market needs based on historical sales and provides spearmint oil producers with information on the amount of oil which should be produced for next season. Spearmint oil has an extremely inelastic demand and excess production normally is placed into the industry's reserves. Current reserves are equal to more than 50 percent of the volume of spearmint oil utilized by the market on a yearly basis. These reserve stocks are sufficient to meet any unanticipated marketing opportunities in the coming season.

After consideration of all relevant matter presented, including the Committee's recommendations and other available information, it is found that the regulation, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 985

Marketing agreements and order, Far West, and Spearmint Oil.

For the reasons set forth in the preamble, 7 CFR Part 985 is amended as follows:

#### PART 985—MARKETING ORDER REGULATING THE HANDLING OF SPEARMINT OIL PRODUCED IN THE FAR WEST

1. The authority citation for 7 CFR Part 985 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Add a new § 985.208 under Subpart—Salable Quantities and Allotment Percentages to read as follows: (This section will not appear in the Code of Federal Regulations).

#### Subpart—Salable Quantities and Allotment Percentages

§ 985.208 Salable quantities and allotment percentages—1988-89 marketing year.

The salable quantity and allotment percentage for each class of spearmint oil during the marketing year which begins June 1, 1988, shall be as follows:

(a) Class I oil—a salable quantity of 650,131 pounds and an allotment percentage of 39 percent.

(b) Class III oil—a salable quantity of 701,077 pounds and an allotment percentage of 38 percent.



Dated: February 25, 1988.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable  
Division.

[FR Doc. 88-4398 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-02-M

## Commodity Credit Corporation

### 7 CFR Part 1421

#### Grains and Similarly Handled Commodities

**AGENCY:** Commodity Credit Corporation  
(CCC) USDA.

**ACTION:** Final rule.

**SUMMARY:** The proposed rule published in the *Federal Register* on November 24, 1987 (52 FR 44989), amending the regulations at 7 CFR Part 1421 is adopted as a final rule without change. The proposed amendment: (1) Removed obsolete references to annual commodity supplements; (2) incorporated provisions with respect to the substitution of loan collateral; (3) revised settlement rates with respect to high moisture commodities delivered to CCC in settlement of loans; (4) revised support rate provisions with respect to handling and transportation costs; (5) revised loan grade requirements; and (6) amended warehouse receipt requirements.

**EFFECTIVE DATE:** March 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Steve Gill, Assistant to the Director, Commodity Operations Division. Telephone: (202) 447-6500.

**SUPPLEMENTARY INFORMATION:** This final rule has been reviewed under USDA procedures established in accordance with the provisions of Departmental Regulation 1521-1 and Executive Order 12291 and has been classified as "non-major." It has been determined that the provisions of this final rule will not result in: (1) Annual effects on the economy of \$100 million or more; (2) major increases in costs or prices for consumers, individual industries, Federal, State, or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is needed.

The title and number of the Federal Assistance Program to which this final rule applies are: Title—Commodity Loans and Purchases, Number 10.051, as found in the catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this rule since CCC is not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this rule.

This activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR Part 3015, Subpart V, published at 48 FR 29115 (June 24, 1983).

#### Proposed Rule

A rule proposing to amend the regulations found at 7 CFR Part 1421 was published in the *Federal Register* on November 24, 1987, at 52 FR 44989. The proposed rule provided for a 30-day comment period.

#### General Summary of Comments

The Department received comments from seven respondents with respect to the proposed rule. The comments received are on file and available for public inspection in Room 5754-South Building, 14th and Independence Avenue, SW., Washington, DC 20013.

The following is a summary of the comments and issues raised with respect to the proposed rule:

#### Comments on Major Program Provisions

##### I. Basic County Price Support Rate Adjustment

*Provisions of the Proposed Rule.* The proposed rule provided for a more uniform administration of CCC's policies with respect to increasing basic county loan rates to reflect costs incurred in the movement of CCC loan collateral. The regulations at 7 CFR Part 1421 currently provide that the basic county price support rates for corn placed in the Farm-Owned Reserve (FOR) and basic county support price rates for wheat, barley, sorghum, and rye pledged as collateral for FOR and regular price support loans will be increased by amounts equal to the freight charges and the handling charges incurred in moving the commodity from the farm or warehouse where stored to an in-line terminal or export location.

*Comments:* A total of six comments were received with respect to the basic county price support rate adjustment provisions. Three respondents recognized CCC's interest and desire to

revise handling and transportation provisions to provide for a more uniform administration of CCC's policies between: (1) County ASCS offices, and (2) loan collateral and CCC-owned grain. Two respondents recommended that the portion of the proposed rule addressing the basic county price support rate adjustment be withdrawn. One respondent reiterated the need for the adjustment provisions and recommended the Department make no changes that would hinder the orderly movement of grain.

*Discussions and Conclusions:* The general consensus of the respondents is that the Department is proposing changes that will, in effect, make the adjustment provisions discretionary rather than mandatory. While the need to provide for a more uniform administration of CCC policies was recognized, respondents voiced concerns that the Department was beginning to take steps that would eventually lead to the elimination of assistance currently provided to producers. The respondents stress the importance of the need to continue assisting producers in moving grain to in-line terminals or export locations.

The Department concurs with the respondents in that eligible producers faced with limited or unavailable local storage space for their grain should not be prohibited from obtaining price support benefits. CCC will continue to provide producers the appropriate measures to take advantage of price support benefits. The changes proposed by the Department will not prohibit producers from utilizing the price support program. Adjusting county loan rates to reflect handling and transportation costs in moving grain to in-line and export locations is one of many provisions provided to producers by CCC that enhances participation in price support programs. The changes, however, provide for a more uniform administration of policies with respect to adjusting basic county loan rates and the flexibility to better utilize available warehouse storage space. Based on the aforementioned reasons, it has been determined that this proposed amendment of 7 CFR Part 1421 should be adopted as a final rule.

##### II. Loan Grade Requirements

*Provisions of the Proposed Rule.* The proposed rule provided CCC greater flexibility in determining whether certain commodities are suitable to be pledged as collateral for a CCC price support loan.

*Comment:* One respondent opposed the proposed revision to the regulations



that currently provide that wheat, feed grain, and soybean must meet certain grade requirements.

**Discussion and Conclusion:** The respondent opposing the revision to the loan grade requirement provision believes this change would have a negative impact on U.S. grain quality. The respondent further stated the proposed revision does not enhance the value of CCC's inventory if the grain pledged as collateral for a price support loan is eventually forfeited to CCC. However, the respondent recommended that if the proposal is adopted, CCC should allow the immediate sale and use of such grain in market channels.

Producers participating in the annual reduction program for their respective commodity do so on a voluntary basis in order to receive program benefits, including price support for their commodities. Currently, in some instances, conditions beyond the producer's control, such as inclement weather, may affect grain quality to the extent that some price support benefits may be unattainable. The proposed rule provides CCC the flexibility to offer eligible producers, who would currently be unable to obtain such benefits, price support with respect to commodities meeting grade requirement standards determined by CCC. With respect to the disposition of low quality grain in CCC inventory, CCC currently authorizes the disposal of CCC-owned low quality grain through cash sales or through the exchange of commodity certificates in accordance with 7 CFR Part 770. Based on the aforementioned reasons, it has been determined that this proposed amendment of 7 CFR Part 1421 should be adopted as a final rule.

All other comments submitted by the seven respondents supported the proposed amendment. Accordingly, all amendments to the regulations as set forth in the proposed rule published at 52 FR 44989 are adopted as a final rule without change.

#### List of Subjects in 7 CFR Part 1421

Grains, Loan programs/agriculture, Price support programs, Warehouses.

#### Final Rule

Accordingly, the regulations in Chapter XIV, Title 7 of the Code of Federal Regulations are amended as follows:

#### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1. The authority citation for 7 CFR Part 1421 continues to read as follows:

**Authority:** Secs. 4 and 5 of the Commodity Credit Corporation Charter Act, as amended,

62 Stat. 1070, as amended, 1072 (15 U.S.C. 714b and 714c); secs. 101, 101A, 105C, 107D, 201, 301, 401, 403, and 405 of the Agricultural Act of 1949, as amended, 63 Stat. 1051, as amended, 99 Stat. 1419, as amended, 1395, as amended, 1383, as amended, 63 Stat., 1052, as amended, 1053, as amended, 1054, as amended (7 U.S.C. 1441, 1441-1, 1444e, 1445b-3, 1446, 1447, 1421, 1423, and 1425).

2. In 7 CFR Part 1421, the Subpart headings to §§ 1421.1 through 1421.30; §§ 1421.50 through 1421.60; §§ 1421.90 through 1421.100; §§ 1421.210 through 1421.219; §§ 1421.245 through 1421.254; §§ 1421.300 through 1421.312; §§ 1421.335 through 1421.345; §§ 1421.365 through 1421.374; and §§ 1421.460 through 1421.471 are amended by removing "1985" and "1986" wherever they appear and inserting in lieu thereof "1987".

3. In 7 CFR Part 1421, the Subpart heading for §§ 1421.280-1421.291 entitled "1986 Crops Peanut Farm-Stored Loan and Purchase Program" is amended by removing "1986" and inserting in lieu thereof "1987 and Subsequent".

4. 7 CFR Part 1421 is amended by removing the following obsolete Subpart:

§§ 1421.400-1421.406 [Removed]

#### Subpart—1986 and Subsequent Crops Flue-Cured Tobacco Farm-Stored Loan Program

§§ 1421.14, 1421.22 and 1421.23 [Amended]

5. 7 CFR 1421.14(c) is removed; § 1421.22(j) is removed and paragraph (k) and (l) are redesignated (j) and (k); and 1421.23(c) is removed, and § 1421.23(d) is redesignated as § 1421.23(c).

6. The first sentence of 7 CFR 1421.1 is revised to read as follows:

#### § 1421.1 General statement.

This subpart contains the regulations which set forth the general requirements with respect to price support for the 1987 crop and each subsequent crop of barley, corn, oats, rice, rye, sorghum, soybeans, farm-stored peanuts, and wheat. \* \* \*

§§ 1421.50, 1421.90, 1421.210, 1421.245, 1421.280, 1421.300, 1421.306, 1421.335, 1421.365, 1421.460, 1421.745, 1421.905 [Amended]

7. In 7 CFR Part 1421, §§ 1421.50, 1421.90, 1421.210, 1421.245, 1421.280, 1421.300, 1421.306, 1421.335, 1421.365, 1421.460, 1421.745, and 1421.905 are amended by removing "1978," "1985," or "1986" wherever they appear and inserting in lieu thereof "1987".

8.7 CFR 1421.3(e) is revised to read as follows:

#### § 1421.3 Eligible producers.

(e) *Denial of farm-stored loans.* If the county committee determines that a producer has:

(1) Been convicted of a criminal act, or has made a misrepresentation, with respect to:

(i) Acquiring a farm-stored loan or  
(ii) In the maintenance of the commodity pledged as security for a farm-stored loan; or

(2) Failed to protect adequately the interests of CCC in the commodity pledged as security for a farm-stored loan, the producer shall be ineligible for subsequent farm-stored loans unless the county committee determines that the producer will adequately protect CCC's interest in the commodity which would be pledged as collateral for such a loan. A producer who is denied a farm-stored loan will be eligible to pledge a commodity as collateral for a warehouse-stored loan.

9. 7 CFR 1421.4 (b) and (c) are revised to read as follows:

#### § 1421.4 Eligibility requirements.

(b) *Area of availability.* Price support shall be available to eligible producers on barley, corn, oats, rye, sorghum, soybeans, and wheat produced in the United States. Price support shall be available on rice produced only in the continental United States, and price support on farm-stored peanuts shall be available only in the States specified in the regulations applicable to such commodity. Commodities must not have been produced on land owned by the Federal Government and/or individuals or private entities if such land is occupied without lease, permit, or other right of possession.

(c) *Beneficial interest.* (1) Except as provided in paragraph (c)(2) of this section to be eligible for price support, the beneficial interest in the commodity must be with the producer who is pledging the commodity as collateral for a loan or offering the commodity for purchase. In addition, the beneficial interest must always have been with the producer who is tendering the commodity or with such producer and a former producer who was eligible to receive price support with respect to the commodity which is tendered. If the producer tendering the commodity is succeeding a prior producer, the succeeding producer must have acquired the beneficial interest in the commodity



prior to the harvest of the commodity, except that heirs who:

(i) Succeed to the beneficial interest of a deceased producer,

(ii) Assume the decedent's obligation under a loan if a loan has already been obtained, and

(iii) Assume continued safe storage of the commodity, if stored on the farm, shall be eligible for price support as producers whether such succession occurs before or after harvest of the commodity.

A producer shall not be considered to have divested the beneficial interest in the commodity if the producer enters into a contract to sell or gives an option to buy the commodity if under the contract or option, the producer retains control, risk of loss and title to the commodity subject to such agreements and retains control of its production. If price support is made available through an approved cooperative marketing association, the beneficial interest in the commodity must always have been in the producer-members who delivered the commodity to the approved cooperative or its member cooperatives or must always have been in them and former producers whom they succeeded before the commodity was harvested, except as provided in the case of heirs of a deceased producer. Commodities so delivered to a cooperative marketing association shall not be eligible for price support if the producer-members who delivered the commodity to the cooperative or its member cooperatives do not retain the right to share in the proceeds from the marketing of the commodity as provided in Part 1425 of this chapter.

(2) Notwithstanding any other provisions of this part, a producer may, in accordance with terms and conditions prescribed by CCC, pledge as collateral for a loan commodities in which the producer does not have a beneficial interest.

10. The third sentence in 7 CFR 1421.6(c) is revised to read as follows:

**§ 1421.6 Program availability, disbursement, and maturity of loans.**

(c) *Availability and maturity dates.* \* \* \* Loans on commodities other than farm-stored peanuts mature on demand but not later than the last day of the ninth calendar month following the month in which the loan application is made. \* \* \*

11. In 7 CFR 1421.8 is revised to read as follows:

**§ 1421.8 Applicable forms.**

The forms for use in connection with this program shall be prescribed by CCC. The forms may be obtained in State and county ASCS offices.

12. The first sentence in 7 CFR 1421.12(b) is revised to read as follows:

**§ 1421.12 Interest rate.**

(b) Price support loans which have not been repaid by the maturity date or the original required settlement date for called loans shall bear interest at the same rate of interest which is determined by CCC for the purpose of applying late payment charges to delinquent debts as specified in 7 CFR 1403.5. \* \* \*

13. The second sentence of the introductory text of 7 CFR 1421.15 is amended by removing "will" and inserting in lieu thereof "may" and § 1421.15(b) is revised to read as follows:

**§ 1421.15 Loss or damage to the commodity.**

(b) The physical loss or damage resulted solely from an external cause such as fire which is not the result of improper storage of the commodity; windstorm; or flood. CCC will not assume any loss or damage resulting from insect infestation, rodents, vermin, spontaneous combustion, excessive heat, or theft.

14. In 7 CFR 1421.16(c) is revised to read as follows:

**§ 1421.16 Personal liability of the producers.**

(c) *Poisonous substances and contamination.* A producer shall be personally liable for any damages resulting from delivering to CCC a commodity containing mercurial compounds, toxin producing molds, or other substances poisonous to humans or animals.

15. In 7 CFR 1421.18(c)(3) is removed and § 1421.18(c)(2) is revised to read as follows:

**§ 1421.18 Release of the commodity under loan.**

(2) Upon the filing of Form CCC-699, Reconcentration Agreement and Trust Receipt, by the producer and warehouseman, CCC may during the loan period approve the reconcentration in another CCC-approved warehouse of all or part of a commodity which is

pledged as collateral for a warehouse storage loan. Any such approval shall be subject to the terms and conditions set forth in Form CCC-699, Reconcentration Agreement and Trust Receipt.

16. In 7 CFR 1421.19(e) is added to read as follows:

**§ 1421.19 Liquidation of farm storage loans.**

(e) *Acquired commodities.* Producers may acquire commodities which are not otherwise eligible to be tendered to CCC as collateral for price support loans and surrender such commodities to CCC in lieu of delivering to CCC the commodity pledged as farm-stored loan collateral in accordance with the terms and conditions prescribed by CCC.

17. The third and fourth sentences in 7 CFR 1421.22(a), and 1421.22(c) are revised to read as follows:

**§ 1421.22 Settlement.**

(a) \* \* \* Settlement shall be made on the basis of the grade, quality, and quantity of the commodity delivered by the producer, except if the collateral is high moisture barley, corn, or grain sorghum, settlement will be determined by using the selling price of the collateral when offered for sale by CCC or as may otherwise be determined by CCC. In the case of farm-stored peanuts, paragraphs (b), (c), and (e) of this section shall not apply. \* \* \*

(c) *Other than approved warehouse storage.* Settlement for barley, corn, oats, rye, sorghum, soybeans, and wheat delivered from other than approved warehouse storage shall be based on:

(1) The applicable support rate for the county in which the producer's customary delivery point (as determined by CCC) is located, except that, if the producer is authorized to ship the commodity by rail to a warehouse for storage which is in line with normal trade channels, settlement shall be based on the support rate established for the county from which the commodity was shipped plus the amount of freight charges actually paid and the truck receiving and rail loadout charges charged by the shipping warehouse, and

(2) The quantity and quality delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made or, if applicable, the quantity and quality delivered as shown on a form prescribed by CCC for this purpose.



18. In 7 CFR 1421.51(b) is revised to read as follows:

**§ 1421.51 Eligible barley.**

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the barley must meet grade requirements as determined by the Executive Vice President, CCC. The grade requirements shall be available in the county ASCS office.

19. In 7 CFR 1421.54(c) the introductory text and paragraph (c)(1) and the first sentence of (e) are revised to read as follows:

**§ 1421.54 Warehouse receipts.**

(c) *Where warehouse receipt shows "Infested," excess moisture, or both.* If a warehouse receipt tendered as security for a loan indicates that the barley grades "Infested" or contains over 14.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the barley to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Infested" and the barley has been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

(e) *Freight certificate requirements.* Warehouse receipts representing barley which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.59(f).

20. 7 CFR 1421.59 (d), (e), and (f) are revised to read as follows:

**§ 1421.59 Support rates.**

(d) *Basic county support rates for warehouse-stored barley received by rail, barge, or utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored loans on barley stored in an approved warehouse that was received by rail, barge, or combination barge-rail shall be the basic support rate established for the county from which the barley was shipped. The support rate may be further adjusted when barley is moved in accordance with the terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699,

Reconcentration Agreement and Trust Receipt, or as otherwise determined by CCC.

(e) *Basic county support rates for warehouse-stored barley received by truck or nontariff barge.* (1) The basic county support rate for barley delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the barley is stored, adjusted for premium and discounts as prescribed in paragraph (c) of this section.

(2) The basic county support rate for barley delivered by truck by the producer to an in-line warehouse, or a warehouse and shipped by truck, barge, or truck-barge to an in-line warehouse, shall be the support rate for the county from which shipped, adjusted for applicable premiums and discounts as prescribed in paragraph (c) of this section.

(3) The support rate may be further adjusted when barley is moved in accordance with terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconcentration Agreement and Trust Receipt, or as otherwise determined by CCC.

(f) *Storing responsibilities.* With respect to barley received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

(1) The rate of freight paid into the storage point;

(2) The amount of penalty, if any, for backhaul or out-of-line movement;

(3) The applicable normal trade channel market that would be used in commercial channels of trade, and

(4) Any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

21. 7 CFR 1421.91(c) is revised to read as follows:

**§ 1421.91 Eligible corn.**

(c) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the corn must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS office.

22. In 7 CFR 1421.94(d), the heading, the introductory text of paragraph (d)(1) and paragraph (d)(1)(i) are revised and 7

CFR 1421.94(f) is added to read as follows:

**§ 1421.94 Warehouse receipts.**

(d) *Where warehouse receipt shows "Infested," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the corn grades "Infested" or contains over 15.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the corn to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(i) When the warehouse receipt shows "Infested" and the corn has been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

(f) *Freight certificate requirements.* Warehouse receipts representing corn which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.99(f).

23. 7 CFR 1421.99(d) is revised and 7 CFR 1421.99 (e) and (f) are added to read as follows:

**§ 1421.99 Support rates.**

(d) *Basic county support rates for warehouse-stored farmer-owned grain (FOR) corn received by rail, barge, or utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored FOR loans on corn stored in an approved warehouse that was received by rail, barge, or combination barge-rail shall be the basic support rate established for the county from which the corn was shipped. The support rate may be further adjusted when FOR corn is moved in accordance with the terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconcentration Agreement and Trust Receipt, or as otherwise determined by CCC.

(e) *Basic county support rates for warehouse-stored farmer-owned grain (FOR) corn received by truck or nontariff barge.* (1) The basic county support rate for FOR corn delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the FOR corn is stored, adjusted for premiums and



discounts as prescribed in paragraph (c) of this section.

(2) The basic county support rate for FOR corn delivered by truck by the producer to an in-line warehouse or a warehouse and shipped by truck, barge, or truck-barge to an in-line warehouse, shall be the support rate for the county from which shipped, adjusted for applicable premiums and discounts as prescribed in paragraph (c) of this section.

(3) The support rate may be further adjusted when FOR corn is moved in accordance with terms and conditions as prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt or as otherwise determined by CCC.

(f) *Storing responsibilities.* With respect to corn received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

- (1) The rate of freight paid into the storage point;
- (2) The amount of penalty, if any, for backhaul or out-of-line movement;
- (3) The applicable normal trade channel market that would be used in commercial channels of trade; and
- (4) Any other information which may be prescribed by CCC.

The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

24. 7 CFR 1421.211(b) is revised to read as follows:

#### § 1421.211 Eligible sorghum.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the sorghum must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS office.

25. In 7 CFR 1421.214(d), the heading, the introductory text of paragraph (d)(1) and paragraph (d)(1)(i) and the first sentence of (f) are revised to read as follows:

#### § 1421.214 Warehouse receipts.

(d) *Where warehouse receipt shows "Infested," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the sorghum grades "Infested" or contains

over 14.0 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the sorghum to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(i) When the warehouse receipt shows "Infested" and the sorghum has been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

(f) *Freight certificate requirements.* Warehouse receipts representing sorghum which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.219(f). \* \* \*

26. 7 CFR 1421.219 (d), (e), and (f) are revised to read as follows:

#### § 1421.219 Support rates.

(d) *Basic county support rates for warehouse-stored sorghum received by rail, barge, or utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored loans on sorghum stored in an approved warehouse that was received by rail, barge, or combination barge-rail shall be the basic support rate established for the county from which the sorghum was shipped. The support rate may be further adjusted when sorghum is moved in accordance with the terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt, or as otherwise determined by CCC.

(e) *Basic county support rates for warehouse-stored sorghum received by truck or nontariff barge.* (1) The basic county support rate for sorghum delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the sorghum is stored, adjusted for premiums and discounts as prescribed in paragraph (c) of this section.

(2) The basic county support rate for sorghum delivered by truck by the producer to an in-line warehouse or a warehouse and shipped by truck, barge, or truck-barge to an in-line warehouse, shall be the support rate for the county from which shipped, adjusted for applicable premiums and discounts as prescribed in paragraph (c) of this section.

(3) The support rate may be further adjusted when sorghum is moved in

accordance with terms and conditions as prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt or as otherwise determined by CCC.

(f) *Storing responsibilities.* With respect to sorghum received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

- (1) The rate of freight paid into the storage point;
- (2) The amount of penalty, if any, for backhaul or out-of-line movement;
- (3) The applicable normal trade channel market that would be used in commercial channels of trade; and
- (4) Any other information which may be prescribed by CCC.

The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

27. 7 CFR 1421.246(b) is revised to read as follows:

#### § 1421.246 Eligible oats.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the oats must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS Office.

28. In 7 CFR 1421.249(c) the introductory text and paragraph (c)(1) are revised and 7 CFR 1421.249(e) is added to read as follows:

#### § 1421.249 Warehouse receipts.

(c) *Where warehouse receipt shows "Infested," excess moisture, or both.* If a warehouse receipt tendered as security for a loan indicates that the oats grade "Infested" or contains over 14 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the oats to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

- (1) When the warehouse receipt shows "Infested" and the oats have been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and



the same grading factors and quantity as shown on the warehouse receipt.

(e) *Freight certificate requirement.* Warehouse receipts representing oats which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.254(b).

29. The existing text of § 1421.254 is designated as paragraph (a), a heading is added for newly designated paragraph (a) and a new paragraph (b) is added to read as follows:

#### § 1421.254 Support rates.

(a) *Basic county support rates.* \* \* \*

(b) *Storing responsibilities.* With respect to oats received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

- (1) The rate of freight paid into the storage point;
- (2) The amount of penalty, if any, for backhaul or out-of-line movement;
- (3) The applicable normal trade channel market that would be used in commercial channels of trade; and
- (4) Any other information which may be prescribed by CCC.

The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

30. 7 CFR 1421.311 is revised to read as follows:

#### § 1421.311 Maturity of loans and expiration of purchase agreements.

(a) *Loans.* Loans shall mature in accordance with § 1421.6(c).

(b) *Purchase agreements.* Purchase agreements expire on the last day of the ninth calendar month following the month in which the purchase agreement is approved.

31. 7 CFR 1421.336(b) is revised to read as follows:

#### § 1421.336 Eligible rye.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the rye must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS office.

32. In 7 CFR 1421.339(c), the introductory text and paragraph (c)(1) and the first sentence of (e) are revised to read as follows:

#### § 1421.339 Warehouse receipts.

(c) *Where warehouse receipt shows "Infested," excess moisture, or both.* If a warehouse receipt tendered as security for a loan indicates that the rye grades "Infested" or contains over 14 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the rye to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Infested" and the rye has been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

(e) *Freight certificate requirements.* Warehouse receipts representing rye which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.344(f).

33. 7 CFR 1421.344 (d), (e), and (f) are revised to read as follows:

#### § 1421.344 Support rates.

(d) *Basic county support for warehouse-stored rye received by rail, barge, or utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored loans on rye stored in an approved warehouse that was received by rail, barge, or combination barge-rail shall be the basic support rate established for the county from which the rye was shipped. The support rate may be further adjusted when rye is moved in accordance with the terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt, or as otherwise determined by CCC.

(e) *Basic county support rates for warehouse-stored rye received by truck or nontariff barge.* (1) The basic county support rate for rye delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the rye is stored, adjusted for premiums and discounts as prescribed in paragraph (c) of this section.

(2) The basic county support rate for rye delivered by truck by the producer to an in-line warehouse or a warehouse and shipped by truck, barge, or truck-barge to an in-line warehouse, shall be the support rate for the county from

which shipped, adjusted for applicable premiums and discounts as prescribed in paragraph (c) of this section.

(3) The support rate may be further adjusted when rye is moved in accordance with terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt or as otherwise determined by CCC.

(f) *Storing responsibilities.* With respect to rye received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

(1) The rate of freight paid into the storage point;

(2) The amount of penalty, if any for backhaul or out-of-line movement;

(3) The applicable normal trade channel market that would be used in commercial channels of trade; and

(4) Any other information which may be prescribed by CCC. The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

34. 7 CFR 1421.366(b) is revised to read as follows:

#### § 1421.366 Eligible soybeans.

(b) *Warehouse-stored loan grade requirements.* In order to be eligible for a warehouse-stored loan, the soybeans must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS office.

35. In 7 CFR 1421.369(d), the heading, (d)(1) the introductory text and paragraph (d)(1)(i) are revised to read as follows:

#### § 1421.369 Warehouse receipts.

(d) *Where warehouse receipt shows "Infested," excess moisture, or both.* (1) If a warehouse receipt tendered as security for a loan indicates that the soybeans grade "Infested" or contain over 14.0 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the soybeans to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:



(i) When the warehouse receipt shows "Infested" and the soybeans have been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

36. 7 CFR 1421.461(b) is revised to read as follows:

**§ 1421.461 Eligible wheat.**

(b) Warehouse-stored loan grade requirements. In order to be eligible for a warehouse-stored loan, the wheat must meet grade requirements as determined by CCC. The grade requirements shall be available in the county ASCS office.

37. In 7 CFR 1421.464(c) the introductory text and paragraph (c)(1) and the first sentence of (e) are revised to read as follows:

**§ 1421.464 Warehouse receipts.**

(c) *Where warehouse receipt shows "Infested," excess moisture, or both.* If a warehouse receipt tendered as security for a loan indicates that the wheat grades "Infested" or contains over 13.5 percent moisture, or both, the warehouse receipt must be accompanied by a supplemental certificate in order for the wheat to be eligible for price support. The grade, grading factors, and quantity to be delivered must be shown on the supplemental certificate as follows:

(1) When the warehouse receipt shows "Infested" and the wheat has been conditioned to correct the "Infested" condition, the supplemental certificate must show the same grade without the "Infested" designation and the same grading factors and quantity as shown on the warehouse receipt.

(e) *Freight certificate requirements.* Warehouse receipts representing wheat which has been shipped by rail and/or barge must be accompanied by supplemental certificates completed according to § 1421.470(f).

38. 7 CFR 1421.470 (d), (e), and (f) are revised to read as follows:

**§ 1421.470 Support rates.**

(d) *Basic county support rates for warehouse-stored wheat received by rail, barge, or utilizing combination barge-rail rates.* The applicable basic support rate for warehouse-stored loans on wheat stored in an approved warehouse that was received by rail,

barge, or combination barge-rail shall be the basic support rate established for the county from which the wheat was shipped. The support rate may be further adjusted when wheat is moved in accordance with the terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt, or as otherwise determined by CCC.

(e) *Basic county support rates for warehouse-stored wheat received by truck or nontariff barge.* (1) The basic county support rate for wheat delivered by truck by the producer to a warehouse at normal delivery point shall be the rate for the county where the wheat is stored, adjusted for premiums and discounts as prescribed in paragraph (c) of this section.

(2) The basic county support rate for wheat delivered by truck by the producer to an in-line warehouse or a warehouse and shipped by truck, barge, or truck-barge to an in-line warehouse, shall be the support rate for the county from which shipped, adjusted for applicable premiums and discounts as prescribed in paragraph (c) of this section.

(3) The support rate may be further adjusted when wheat is moved in accordance with terms and conditions prescribed by CCC on Form CCC-678-3, Request for Handling and Transportation Costs, Form CCC-699, Reconciliation Agreement and Trust Receipt or as otherwise determined by CCC.

(f) *Storing responsibilities.* With respect to wheat received by rail, barge, or by combination barge-rail, the storing warehouseman shall execute supplemental certificates showing:

(1) The rate of freight paid into the storage point;

(2) The amount of penalty, if any for backhaul or out-of-line movement;

(3) The applicable normal trade channel market that would be used in commercial channels of trade; and

(4) Any other information which may be prescribed by CCC.

The warehouseman is responsible to CCC for the accuracy or omissions of information on the supplemental certificate. Warehouseman liability, if any, for the failure to comply with the provisions of this paragraph will be determined in accordance with the provisions of the UGSA after acquisition of the warehouse receipt by CCC.

Signed at Washington, DC, on February 24, 1988.

Vern Neppi,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 88-4226 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-05-M

## NUCLEAR REGULATORY COMMISSION

10 CFR Parts 4, 15, 19, 20, 21, 50, 53, 55, 73, 75, 81, 140, 150, and 170

### Relocation of Office of Nuclear Reactor Regulation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** The Nuclear Regulatory Commission (NRC) is amending its regulations to indicate that its Office of Nuclear Reactor Regulation (NRR) has relocated at the agency's new office building located at One White Flint North, Rockville, Maryland. These amendments are being made to inform NRC licensees and members of the public of this relocation.

**EFFECTIVE DATE:** March 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Donnie H. Grimsley, Director, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

**SUPPLEMENTARY INFORMATION:** On January 29, 1988 (53 FR 2660), the NRC published in the *Federal Register* a general notice announcing that as of February 1, 1988, the Office of NRR would be relocated at the agency's new office building located at One White Flint North, 11555 Rockville Pike, Rockville, Maryland. These amendments indicate this relocation by revising the address for the personal delivery of communications and reports to the NRC's Document Control Desk.

Because these amendments deal solely with the relocation of agency personnel, the notice and comment provisions of the Administrative Procedure Act do not apply under 5 U.S.C. 553(b)(A). These amendments are effective upon publication in the *Federal Register*. Good cause exists to dispense with the usual 30-day delay in the effective date, because these amendments are of a minor and administrative nature, dealing with the relocation of agency personnel.



### Environmental Impact: Categorical Exclusion

The NRC has determined that this final rule is the type of action described in categorical exclusion 10 CFR 51.22(c)(2). Therefore, neither an environmental impact statement nor an environmental assessment has been prepared for this final rule.

### Paperwork Reduction Act Statement

This final rule contains no information collection requirements and therefore is not subject to the requirements of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

### List of Subjects

#### 10 CFR Part 4

Administrative practice and procedure, Blind, Buildings, Civil rights, Employment, Equal employment opportunity, Federal aid programs, Grant programs, Handicapped, Loan programs, Reporting and recordkeeping requirements, Sex discrimination.

#### 10 CFR Part 15

Administrative practice and procedure, Debt collection.

#### 10 CFR Part 19

Environmental protection, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Penalty, Radiation protection, Reporting and recordkeeping requirements, Sex discrimination.

#### 10 CFR Part 20

Byproduct material, Licensed material, Nuclear materials, Nuclear power plants and reactors, Occupational safety and health, Packaging and containers, Penalty, Radiation protection, Reporting and recordkeeping requirements, Special nuclear material, Source material, Waste treatment and disposal.

#### 10 CFR Part 21

Nuclear power plants and reactors, Penalty, Radiation protection, Reporting and recordkeeping requirements.

#### 10 CFR Part 50

Antitrust, Classified information, Fire protection, Incorporation by reference, Intergovernmental relations, Nuclear power plants and reactors, Penalty, Radiation protection, Reactor siting criteria, Reporting and recordkeeping requirements.

#### 10 CFR Part 53

Administrative practice and procedure, High-level waste, Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping

requirements, Spent fuel, Waste treatment and disposal.

#### 10 CFR Part 55

Manpower training programs, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements.

#### 10 CFR Part 73

Hazardous materials—transportation, Incorporation by reference, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements, Security measures.

#### 10 CFR Part 75

Nuclear materials, Nuclear power plants and reactors, Reporting and recordkeeping requirements, Security measures, Treaties.

#### 10 CFR Part 81

Administrative practice and procedure, Inventions and patents.

#### 10 CFR Part 140

Extraordinary nuclear occurrence, Insurance, Intergovernmental relations, Nuclear materials, Nuclear power plants and reactors, Penalty, Reporting and recordkeeping requirements.

#### 10 CFR Part 150

Hazardous materials—transportation, Intergovernmental relations, Nuclear materials, Penalty, Reporting and recordkeeping requirements, Security measures, Source material, Special nuclear material.

#### 10 CFR Part 170

Byproduct material, Nuclear materials, Nuclear power plants and reactors, Penalty, Source material, Special nuclear material.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and 5 U.S.C. 553, the NRC is adopting the following amendments to 10 CFR Parts 4, 15, 19, 20, 21, 50, 53, 55, 73, 75, 81, 140, 150, and 170.

### PART 4—NONDISCRIMINATION IN FEDERALLY ASSISTED COMMISSION PROGRAMS

1. The authority citation for Part 4 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

2. Section 4.5 is revised to read as follows:

### § 4.5 Communications and reports.

Except as otherwise indicated, all communications and reports relating to this part should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications and reports may be delivered in person to the Commission's offices at 1717 H Street, NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

### PART 15—DEBT COLLECTION PROCEDURES

3. The authority citation for Part 15 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

4. Section 15.3 is revised to read as follows:

### § 15.3 Communications.

Unless otherwise specified, all communications concerning the regulations in this part should be addressed to the Director, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

### PART 19—NOTICES, INSTRUCTIONS, AND REPORTS TO WORKERS; INSPECTIONS

5. The authority citation for Part 19 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

6. Section 19.5 is revised to read as follows:

### § 19.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Regional Administrator of the appropriate U.S. Nuclear Regulatory Commission Regional Office listed in Appendix D of Part 20 of this chapter. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

### PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

7. The authority citation for Part 20 continues to read as follows:



Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

8. Section 20.7 is revised to read as follows:

#### § 20.7 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 21—REPORTING OF DEFECTS AND NONCOMPLIANCE

9. The authority citation for Part 21 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

10. Section 21.5 is revised to read as follows:

#### § 21.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director, Office of Nuclear Reactor Regulation, or Director, Office of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or to the Administrator of a Regional Office at the address specified in Appendix D of Part 20 of this chapter. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 50—DOMESTIC LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

11. The authority citation for Part 50 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

12. In § 50.4, paragraph (d) is revised to read as follows:

#### § 50.4 Written communications.

(d) *Delivery of communications.* Written communications may be delivered to the Document Control Desk at 11555 Rockville Pike, Rockville, Maryland between the hours of 8:15 a.m.

and 4:00 p.m. Eastern Time. If a submittal due date falls on Saturday, Sunday, or Federal holiday, the next Federal working day becomes the official due date.

#### PART 53—CRITERIA AND PROCEDURES FOR DETERMINING ADEQUACY OF AVAILABLE SPENT NUCLEAR FUEL STORAGE CAPACITY

13. The authority citation for Part 53 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

14. Section 53.3 is revised to read as follows:

#### § 53.3 Communications.

Except where otherwise specified, each communication and report concerning the regulations in this part should be addressed to the Document Control Desk, U.S. Nuclear Regulatory Commission, Attention: Executive Director for Operations, Washington, DC 20555, or may be delivered in person to the Commission's Document Control Desk between the hours of 8:15 a.m. and 4:00 p.m. Eastern Time at 11555 Rockville Pike, Rockville, Maryland.

#### PART 55—OPERATORS' LICENSES

15. The authority citation for Part 55 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

16. In § 55.5, paragraph (a)(2) is revised to read as follows:

#### § 55.5 Communications.

(a) \* \* \*

(2) By delivery in person to the Commission's offices at 1717 H Street, NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

17. The authority citation for Part 73 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

18. Section 73.4 is revised to read as follows:

#### § 73.4 Communications.

Except where otherwise specified, all communications and reports concerning the regulations in this part should be addressed to the Director of Nuclear Material Safety and Safeguards or the

Director of Nuclear Reactor Regulation, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF THE US/IAEA AGREEMENT

19. The authority citation for Part 75 is revised to read as follows:

Authority: Secs. 53, 63, 103, 104, 122, 161, 68 Stat. 930, 932, 936, 937, 939, 948, as amended (42 U.S.C. 2073, 2093, 2133, 2134, 2152, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

For the purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273); the provisions of this part are issued under sec. 1610, 68 Stat. 958, as amended (42 U.S.C. 2201(o)).

20. In § 75.6, paragraph (c) is revised to read as follows:

#### § 75.6 Delivery of information, reports, and other communications.

(c) Written communications to the Directors, Office of Nuclear Material Safety and Safeguards, or Office of Nuclear Reactor Regulation may be delivered by mail, addressed to the appropriate Director at the U.S. Nuclear Regulatory Commission, Washington, DC 20555, or may be addressed to the appropriate Director and delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or 11555 Rockville Pike, Rockville, Maryland.

#### PART 81—STANDARD SPECIFICATIONS FOR THE GRANTING OF PATENT LICENSES

21. The authority citation for Part 81 is revised to read as follows:

Authority: Sec. 156, 161, 68 Stat. 947, 948, as amended (42 U.S.C. 2186, 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

22. Section 81.3 is revised to read as follows:

#### § 81.3 Communications.

All communications concerning the regulations in this part, including applications for licenses, should be addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street



NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 140—FINANCIAL PROTECTION REQUIREMENTS AND INDEMNITY AGREEMENTS

23. The authority citation for Part 140 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

24. Section 140.5 is revised to read as follows:

##### § 140.5 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Director of Nuclear Reactor Regulation, or Director of Nuclear Material Safety and Safeguards, as appropriate, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES AND IN OFFSHORE WATERS UNDER SECTION 274

25. The authority citation for Part 150 continues to read as follows:

Authority: Sec. 161, 68 Stat. 948, as amended (42 U.S.C. 2201); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

26. Section 150.4 is revised to read as follows:

##### § 150.4 Communications.

Except where otherwise specified in this part, all communications and reports concerning the regulations in this part should be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications and reports may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

#### PART 170—FEES FOR FACILITIES AND MATERIALS LICENSES AND OTHER REGULATORY SERVICES UNDER THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

27. The authority citation for Part 170 continues to read as follows:

Authority: 31 U.S.C. 9701, 96 Stat. 1051, sec. 301, Pub. L. 92-314, 86 Stat. 222 (42 U.S.C. 2201(w)); sec. 201, 88 Stat. 1242, as amended (42 U.S.C. 5841).

28. Section 170.5 is revised to read as follows:

##### § 170.5 Communications.

All communications concerning the regulations in this part should be addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Communications may be delivered in person at the Commission's offices at 1717 H Street NW., Washington, DC, or at 11555 Rockville Pike, Rockville, Maryland.

Dated at Bethesda, Maryland, this 18th day of February 1988.

For the Nuclear Regulatory Commission,  
Victor Stello, Jr.,

Executive Director for Operations.

[FR Doc. 88-4360 Filed 2-29-88; 8:45 am]

BILLING CODE 7590-01-M

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 71

[Airspace Docket No. 87-ASO-17]

##### Designation of Transition Area, Williston, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment designates the Williston, Florida, transition area to accommodate instrument flight rule (IFR) operations at the Williston Municipal Airport. This action lowers the base of controlled airspace from 1,200 to 700' above the surface in the vicinity of the airport. An instrument approach procedure has been developed to serve the airport and the controlled airspace is required for IFR aeronautical activities.

**EFFECTIVE DATE:** 0901 UTC, May 5, 1988.

**FOR FURTHER INFORMATION CONTACT:** James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

##### SUPPLEMENTARY INFORMATION:

##### History

On December 2, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) designating the Williston, Florida, transition area (52 FR 47727). This action will provide controlled airspace for aircraft executing a new instrument approach procedure to the Williston Municipal Airport. The

operating status of the airport is changed to IFR. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

##### The Rule

This amendment to Part 71 of the Federal Aviation Regulations designates the Williston, Florida, transition area and lowers the base of controlled airspace in the vicinity of the Williston Municipal Airport from 1,200 to 700' above the surface.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

##### List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

##### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

##### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

##### § 71.181 [Amended]

2. By amending § 71.181 as follows:

##### Williston, Florida [New]

That airspace extending upward from 700' above the surface within a 7-mile radius of the Williston Municipal Airport (Lat. 29°21'30" N., Long. 82°28'15" W.



Issued in East Point, Georgia, on February 17, 1988.

William D. Wood,  
Acting Manager, Air Traffic Division,  
Southern Region.

[FR Doc. 88-4288 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 87-ASO-19]

#### Revision of Transition Area, Fitzgerald, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** This amendment revises the Fitzgerald, Georgia, Transition Area by correcting the geographic position latitude/longitude coordinates for the Fitzgerald Municipal Airport, increasing the radius area from 5 to 6.5 miles around the airport to accommodate corporate-type aircraft, and revising the arrival area extension for two new standard instrument approach procedures (SIAP's) being developed for the airport. The existing on-airport nondirectional radio beacon (NDB) will be relocated off-airport and a new NDB SIAP is planned. The NDB will also serve as the final approach fix for a new localizer SIAP under development.

**EFFECTIVE DATE:** 0901 UTC, May 5, 1988.

**FOR FURTHER INFORMATION CONTACT:** James G. Walters, Airspace Section, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Georgia 30320; telephone: (404) 763-7646.

#### SUPPLEMENTARY INFORMATION:

##### History

On December 15, 1987, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by revising the Fitzgerald, Georgia, Transition Area (52 FR 49423). This action will provide additional controlled airspace in the vicinity of the Fitzgerald Municipal Airport and along the final approach courses of two new instrument approach procedures under development. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. This amendment is the same as that proposed in the notice. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in FAA Handbook 7400.6C dated January 2, 1987.

#### The Rule

This amendment to Part 71 of the Federal Aviation Regulations Revises the Fitzgerald, Georgia, Transition Area by correcting the geographic position latitude/longitude coordinates for the Fitzgerald Municipal Airport, increasing the radius area from 5 to 6.5 miles around the airport and revising the arrival area extension to accommodate two new standard instrument approach procedures.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. By amending § 71.181 as follows:

#### Fitzgerald, Georgia [Revised]

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Fitzgerald Municipal Airport (latitude 31°40'59" N., longitude 83°16'09" W.); within 3.5 miles each side of the 192° bearing from Fitzgerald NDB (latitude 31°36'46" N., longitude 83°17'27" W.), extending from the 6.5-mile radius to 11.5 miles south of the NDB excluding that portion that coincides with the Tifton, Georgia, Transition Area.

Issued in East Point, Georgia, on February 17, 1988.

William D. Wood,  
Acting Manager, Air Traffic Division,  
Southern Region.

[FR Doc. 88-4285 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket Number 87-ACE-13]

#### Alteration of Transition Area, Atlantic, IA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** The nature of this Federal action is to alter the 700-foot transition area at Atlantic, Iowa. The instrument approach procedure to the Atlantic, Iowa, Municipal Airport, utilizing the Atlantic NDB as a navigational aid is being revised. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** June 30, 1988.

**FOR FURTHER INFORMATION CONTACT:** Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** To enhance airport usage, the instrument approach procedure to the Atlantic, Iowa, Municipal Airport is being revised. The Atlantic NDB is being utilized as a navigational aid. This action is necessary to realign the final approach course in accordance with TERPS criteria. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D, dated January 4, 1988.

#### Discussion of Comments

On page 46779 of the Federal Register dated December 10, 1987 (52 FR 46779), the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to revise the transition area at Atlantic, Iowa. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No responses were received as a result of the Notice of Proposed Rulemaking.



The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. By amending § 71.181 as follows:

##### Atlantic, Iowa [Revised]

That airspace extending upward from 700 ft. above the surface within a 5-mile radius of the Atlantic Municipal Airport (latitude 41°24'30"N., longitude 95°03'00"W.); and within 4.5 miles each side of the 296° bearing from the Atlantic Municipal Airport extending from the 5-mile radius area to 9.5 miles northwest of the airport.

This amendment becomes effective at 0901 UTC June 30, 1988.

Issued in Kansas City, Missouri, on February 17, 1988.

James Snow,

Act. Asst. Manager, Air Traffic Division.

[FR Doc. 88-4287 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR PART 71

[Airspace Docket No. 87-ACE-14]

#### Alteration of Control Zone and Transition Area at Jefferson City, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** The nature of this Federal action is to alter the control zone and 700-foot transition area at Jefferson City, Missouri. An additional instrument approach procedure is being developed for the Jefferson City Memorial Airport, Jefferson City, Missouri, utilizing the NOAH NDB as a navigational aid. The intended effect of this action is to ensure segregation of aircraft, using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

**EFFECTIVE DATE:** June 30, 1988.

#### FOR FURTHER INFORMATION CONTACT:

Lewis G. Earp, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

**SUPPLEMENTARY INFORMATION:** To enhance airport usage, an additional approach procedure to Runway 12 is being developed for the Jefferson City, Missouri, Memorial Airport, utilizing the NOAH NDB as a navigational aid.

The establishment of an instrument approach procedure based on this approach aid entails alteration of the control zone and 700-foot transition area at Jefferson City, Missouri. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR). Sections 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations were republished in Handbook 7400.6D, dated January 4, 1988.

#### Discussion of Comments

On page 46778 of the *Federal Register*, dated December 10, 1987 (52 FR 46778), the Federal Aviation Administration published a Notice of Proposed Rulemaking which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Jefferson City, Missouri. Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No responses were received as a result of the Notice of Proposed Rulemaking.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44

FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) amends Part 71 of the FAR (14 CFR Part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.171 [Amended]

2. By amending § 71.171 as follows:

##### Jefferson City, Missouri [Revised]

Within a 5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'29" N., longitude 92°09'25" W.); and within 1 mile each side of the Noah NDB (latitude 38°38'13" N., longitude 92°14'40" W.) 303° bearing, extending from the 5-mile radius zone to 0.5 miles northwest of the Noah NDB, and within 2.5 miles each side of the Memorial NDB (latitude 38°33'14" N., longitude 92°04'40" W.) 122° bearing, extending from the 5-mile radius zone to 11.5 miles southeast of the Memorial NDB. This control zone shall be effective during the times established by Notice to Airmen and continuously published in the Airport/Facility Directory.

3. Additionally, by amending § 71.181 as follows:

#### § 71.181 [Amended]

##### Jefferson City, Missouri [Revised]

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Jefferson City Memorial Airport (latitude 38°35'29" N., longitude 92°09'25" W.) and within 3.5 miles each side of the Noah NDB (latitude 38°38'13" N., longitude 92°14'40" W.) 303° bearing, extending from the 8.5-mile radius area to 12 miles northwest of the airport, and within 4.5 miles each side of the Runway 30 localizer final approach course extending from the 8.5-mile radius to 12 miles southeast of the Memorial NDB (latitude 38°33'14" N., longitude 92°04'40" W.).

This amendment becomes effective 0901 UTC June 30, 1988.



Issued in Kansas City, Missouri, on  
February 17, 1988.

James Snow,

Acting Assistant Manager, Air Traffic  
Division.

[FR Doc. 88-4286 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### 15 CFR Parts 370 and 372

[Docket No. 80105-8005]

#### Austria; Shorter Processing Times for Export License Applications

AGENCY: Bureau of Export  
Administration, Commerce.

ACTION: Final rule.

**SUMMARY:** Because of the improvement in Austrian export control measures, Export Administration is shortening the processing time frames for validated license applications for exports to Austria. This final rule makes license applications for Austria subject to the same expedited processing times that apply to exports to the COCOM countries, Switzerland and Finland. This action will expedite both exports and reexports of U.S. items and is part of the continuing initiative by the Department of Commerce to lessen the export licensing burden for shipments to countries cooperating to protect U.S. strategically controlled commodities and technologies.

**EFFECTIVE DATE:** This rule is effective March 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Will Fisher, Regulations Branch, Bureau of Export Administration, Telephone: (202) 377-3856.

#### SUPPLEMENTARY INFORMATION:

##### Rulemaking Requirements

1. Because this rule concerns a foreign and military affairs function of the United States, it is not a rule or regulation within the meaning of section 1(a) of Executive Order 12291, and it is not subject to the requirements of that Order. Accordingly, no preliminary or final Regulatory Impact Analysis has to be or will be prepared.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under Control Number 0625-0001.

3. Section 13(a) of the Export Administration Act of 1979, as amended

(50 U.S.C. app. 2412(a)), exempts this rule from all requirements of section 553 of the Administrative Procedure Act (APA) (5 U.S.C. 553), including those requiring publication of a notice of proposed rulemaking, an opportunity for public comment, and a delay in effective date. This rule is also exempt from these APA requirements because it involves a foreign and military affairs function of the United States. Section 13(b) of the EAA does not require that this rule be published in proposed form because this rule does not impose a new control. Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this rule.

4. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule by section 553 of the Administrative Procedure Act (5 U.S.C. 553) or by any other law, under sections 603(a) and 604(a) of the Regulatory Flexibility Act (5 U.S.C. 603(a) and 604(a)) no initial or final Regulatory Flexibility Analysis has to be or will be prepared.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to John Black, Office of Technology and Policy Analysis, Export Administration, International Trade Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

#### List of Subjects in 15 CFR Parts 370 and 372

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, Parts 370 and 372 of the Export Administration Regulations are amended as follows:

#### PARTS 370 AND 372—[AMENDED]

1. The authority citation for 15 CFR Part 370 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981 and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985).

2. The authority citation for 15 CFR Part 372 continues to read as follows:

Authority: Pub. L. 96-72, 93 Stat. 503 (50 U.S.C. app. 2401 *et seq.*), as amended by Pub. L. 97-145 of December 29, 1981, and by Pub. L. 99-64 of July 12, 1985; E.O. 12525 of July 12, 1985 (50 FR 28757, July 16, 1985); Pub. L. 95-223 of December 28, 1977 (50 U.S.C. 1701 *et*

*seq.*); E.O. 12532 of September 9, 1985 (50 FR 36861, September 10, 1985) as affected by notice of September 4, 1986 (51 FR 31925, September 8, 1986); Pub. L. 99-440 of October 2, 1986 (22 U.S.C. 5001 *et seq.*); and E.O. 12571 of October 27, 1986 (51 FR 39505, October 29, 1986).

3. In § 370.14, paragraph (a) is amended adding two sentences immediately following the fifth sentence as set forth below and by adding "Austria," between "means" and "Finland" in paragraph (a)(3)(ii):

#### § 370.14 Processing License Applications for COCOM Participating Countries and Other Selected Countries.

(a) \* \* \* The procedures and time limits set forth in this section apply to applications for Austria received in the Office of Export Licensing after March 1, 1988. Applications for Austria received prior to that date will be processed under the previous time frames. \* \* \*

#### § 372.11 [Amended]

4. In § 372.11, paragraph (d)(3) is amended by adding the word "Austria," between the words "controlled items to" and "Finland."

Dated: February 26, 1988.

Vincent F. DeCain,

Deputy Assistant Secretary of Export  
Administration.

[FR Doc. 88-4467 Filed 2-26-88; 2:26 pm]

BILLING CODE 3510-DT-M

## DEPARTMENT OF THE TREASURY

### Customs Service

#### 19 CFR Part 4

[T.D. 88-10]

#### Amendment Adding Turkey to List of Countries Whose Pleasure Vessels Are Entitled To Be Issued U.S. Cruising Licenses

AGENCY: U.S. Customs Service,  
Department of the Treasury.

ACTION: Final rule.

**SUMMARY:** This document amends the Customs Regulations by adding Turkey to the list of countries whose pleasure vessels may be issued U.S. cruising licenses. Customs has been informed that yachts used and employed exclusively as pleasure vessels belonging to any resident of the U.S. are allowed to arrive at and depart from Turkish ports and cruise in the waters of Turkey without being subjected to formal entry and clearance procedures.



Therefore, Customs is extending reciprocal privileges to Turkish-flag pleasure vessels.

**EFFECTIVE DATE:** These privileges became effective for Turkey on December 18, 1987.

**FOR FURTHER INFORMATION CONTACT:** Kathryn C. Peterson, Carrier Rulings Branch (202-566-5706), U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4.94(a), Customs Regulations (19 CFR 4.94(a)), provides that U.S. vessels documented with a pleasure license endorsement, used exclusively for pleasure, not engaged in any trade, and not violating the customs or navigation laws of the U.S. may proceed from port to port in the U.S. or to foreign ports without entering and clearing, as long as they have not visited hovering vessels. When returning from a foreign port or place, such licensed U.S. pleasure vessels are required to report their arrival pursuant to § 4.2, Customs Regulations (19 CFR 4.2).

Generally, foreign-flag yachts entering the U.S. are required to comply with the laws applicable for foreign vessels arriving at, departing from, and proceeding between ports of the U.S. However, as provided in § 4.94(b), Customs Regulations (19 CFR 4.94(b)), pleasure vessels from certain countries may be issued cruising licenses which exempt them from formal entry and clearance procedures (e.g., filing manifests, obtaining permits to proceed and paying entry and clearance fees). Upon arrival at each port of entry in the U.S., the master shall report the fact of arrival to the appropriate Customs office. Yachts or pleasure vessels not carrying passengers or merchandise in trade are exempt from paying tonnage tax and light money in any case pursuant to § 4.21(b)(5), Customs Regulations (19 CFR 4.21(b)(5)). Cruising licenses are available to pleasure vessels of countries which extend reciprocal privileges to U.S. pleasure vessels. A list of these countries is set forth in § 4.94(b).

By diplomatic note dated December 7, 1987, the Turkish Embassy in Washington, DC, informed the Department of State that the Government of Turkey permits yachts used and employed exclusively as pleasure vessels and belonging to any resident of the U.S., to arrive at and depart from ports of Turkey and cruise

the waters of Turkey without entering and clearing Turkish Customs, and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes, or charges for cruising licenses.

The Department of State informed Customs Headquarters by a letter dated December 16, 1987. The Carrier Rulings Branch of Customs is of the opinion that satisfactory evidence has been furnished to establish the reciprocity required in § 4.94(b). Therefore, on January 7, 1988, the Chief of that Branch determined that, effective retroactively to December 18, 1987, Turkey should be added to the list of countries set forth in § 4.94(b).

By virtue of the authority vested in the President by section 5 of the Act of May 28, 1908, 35 Stat. 425, as amended (46 U.S.C. 104), the President has delegated the authority to issue these cruising licenses to the Secretary of the Treasury by E.O. 10289, September 17, 1951. By Treasury Department Order 165-25, the Secretary of the Treasury delegated authority to the Commissioner of Customs to prescribe regulations relating to § 4.94(b) and other sections of the Customs Regulations relating to lists of countries entitled to preferential treatment in Customs matters because of reciprocal privileges accorded to vessels and aircraft of the U.S. Subsequently, by Customs Delegation Order No. 66 (T.D. 82-201), dated October 13, 1982, the Commissioner delegated authority to amend this section to the Assistant Commissioner (Commercial Operations), who redelegated this authority to the Director, Office of Regulations and Rulings, who then redelegated it to the Chief, Regulations and Disclosure Law Branch.

**Finding**

On the basis of the information received from the Government of Turkey and the Department of State, as described above, it has been determined that the U.S. is in possession of satisfactory evidence regarding the passage of U.S. pleasure vessels through the ports and waters of Turkey without their being subjected to formal entry and clearance procedures. Therefore, Turkey is added to the list of countries whose pleasure vessels may be issued U.S. cruising licenses.

**Inapplicability of Public Notice and Delayed Effective Date Requirements**

Because this amendment merely implements a statutory requirement and

involves a matter in which the majority of the public is not particularly interested, pursuant to 5 U.S.C. 553(b)(B), notice and public procedure thereon are unnecessary. Further, for the same reasons good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553(d)(1).

**The Regulatory Flexibility Act**

This document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). That Act does not apply to any regulation such as this for which a notice of proposed rulemaking is not required by the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), or any other statute.

**Executive Order 12291**

This amendment does not meet the criteria for a major regulation as defined in section 1(b) of E.O. 12291. Accordingly, a regulatory impact analysis is not required.

**Drafting Information**

The principal author of this document was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

**List of Subjects in 19 CFR Part 4**

Customs inspection and duties, Imports, Vessels, Yachts.

**PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES**

1. The authority citation for Part 4 continues to read as follows:

**Authority:** 5 U.S.C. 301; 19 U.S.C. 66, 1624, 46 U.S.C. 3, 2103. Section 4.94 also issued under 19 U.S.C. 1433, 1434, 1435, 1441; 46 U.S.C. 91, 104, 313, 314.

**§ 4.94 [Amended]**

2. Section 4.94(b), Customs Regulations (19 CFR 4.94(b)), is amended by inserting, in appropriate alphabetical order, the word, "Turkey", to the list of countries whose yachts or pleasure vessels may be issued U.S. cruising licenses.

Date: February 17, 1988.

**B. James Fritz,**

Chief, Regulations and Disclosure Law Branch.

[FR Doc. 88-4349 Filed 2-29-88; 8:45 am]

BILLING CODE 4820-02-M



## DEPARTMENT OF THE INTERIOR

## Bureau of Indian Affairs

## 25 CFR Part 176

## Flathead Irrigation and Power Project, MT; Revision of Power Rate Schedule

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Final rule.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is publishing a revised power rate schedule pursuant to the provision for the Area Director to provide authority to pass increased power costs on the Flathead Irrigation and Power Project to the customer, as provided for in the November 10, 1982, *Federal Register*, Volume 47, No. 218, the following changes in 25 CFR Part 176, authorized rate increases to become effective on the first billing after April 1, 1988.

This revised rate schedule is required in order to collect sufficient funds to pay for the increased cost of electricity supplied to the Flathead Power Project.

**EFFECTIVE DATE:** April 1, 1988.

**ADDRESS:** Mail or hand deliver comments to Stanley Speaks, Portland Area Director, 1425 NE. Irving Street, Post Office Box 3785, Portland, Oregon 97208-0378.

**FOR FURTHER INFORMATION CONTACT:** Warren McConkey, Flathead Power Division Manager, Box A, Pablo, Montana, 59855, Phone No. (406) 883-5361.

**SUPPLEMENTARY INFORMATION:** This notice of power rate schedule change is published under the authority delegated by the Secretary of the Interior to the Assistant Secretary (Indian Affairs) in 209 DM 8 and redelegated by the Assistant Secretary to the Area Director.

Pursuant to the provision for the Area Director to provide authority to pass increased power costs on the Flathead Irrigation and Power Project to the customer, as provided in the November 10, 1982, *Federal Register*, Volume 47, No. 218, the following changes in 25 CFR Part 176, authorized rate increases to become effective on the first billing after April 1, 1988.

## List of Subjects in 25 CFR Part 176

Electric power, Indian-lands, Irrigation, Standard rate schedules.

For the reasons set out in the preamble, Title 25, Chapter I, Part 176, of the Code of Federal Regulations, is amended to read as follows:

## PART 176—[AMENDED]

1. The authority citation for Part 176 continues to read as follows:

Authority: Sec. 7, 62 Stat. 273; 5 U.S.C. 301.

2. Revise 25 CFR 176.51 to read as follows:

## § 176.51 Rate Schedule No. 1: Residential, urban and rural.

(a) *Application of schedule.* This schedule is available for single-phase electric service delivered through one meter to a single family residence, either urban or rural, for domestic and farm use, including operation of motors as part of the appliances within the residence, on one of which exceeds 5 horsepower in capacity. The electric service is to be used only on the consumer's own premises, and must not be resold.

(b) *Monthly rate.* 3.6 cents per kilowatt-hour for all kilowatt-hours.

(c) *Basic charge.*

(1) \$5.00 per month rural.

(2) \$3.00 per month within incorporated municipalities.

(3) All kilowatt-hour charges to be in addition to basic charges.

3. Revise 25 CFR 176.52 to read as follows:

## § 176.52 Rate Schedule No. 2: General.

(a) *Application of schedule.* This schedule is available for single-phase or three-phase electric service not exceeding a maximum demand of 20 kilowatts, delivered through one meter, for use in lighting, heating, operating appliances, and as power for motors which do not exceed 5 horsepower in capacity. The electric service is to be used only on the customer's own premises, and must not be resold. The use of this schedule is required for second delivery to a consumer's installation that is already being served by Rate Schedule No. 1.

(b) *Monthly rate.*

(1) 9.5 cents per kilowatt-hour for first 50 kilowatt-hours.

(2) 4.7 cents per kilowatt-hour for next 50 kilowatt-hours.

(3) 4.0 cents per kilowatt-hour for all over 100 kilowatt-hours.

(c) *Minimum bill.*

(1) \$5.00 per month rural.

(2) \$3.00 per month within incorporated municipalities.

4. Revise 25 CFR 176.54 to read as follows:

## § 176.54 Rate schedule No. 4: General.

(a) *Application of schedule.* This schedule is available for single-phase and three phase electric service for all purposes. Unless specifically permitted by the contract, use must be limited to

the consumer's premises, and the power supplied must not be resold. If more than one meter is required by the consumer's installations, or for the consumer's convenience, a separate computation shall be made for each meter.

(b) *Energy.*

3.6 cents per kilowatt-hour for first 18,000 kilowatt-hours.

2.6 cents per kilowatt-hour for all additional kilowatt-hours.

(c) *Demand.*

\$3.60 per kilowatt.

(d) *Discount.* A discount will be allowed and applied after the monthly bill has been computed:

(1) If a customer takes delivery at the primary voltage of the distribution or transmission system of the Project and at a location where the Project has adequate and suitable facilities for such delivery.

(2) If the customer furnishes, installs, operates, and maintains the substation or substations with step-down transformers, protective equipment, and all other facilities (except metering equipment) needed by the customer is distributing and utilizing the delivered power and energy.

(3) When the conditions and specifications in paragraphs (d)(1) and (d)(2) of this section are satisfactory to the Project Engineer, the following discounts apply:

(i) For three-phase delivery at the Project distribution voltage, discount of 5 percent.

(ii) For three-phase delivery from the Project transmission system where not more than one transformation intervenes between the highest voltage of the Project power system and the delivery to the customer—a discount of 8 percent.

(e) *Minimum bill.* \$3.60 per month per kilowatt of billing demand, but not less than \$36.00 per month or 40 cents per KVA of transformer capacity.

(f) *Contract demand.* Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand. The contract demand shall not be less than 10 kilowatts.

(g) *Actual demand.* The actual demand for any month shall be the average amount of power used during that period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or if meters are unavailable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate, based on



available information as to the customer's use of connected lights and appliances, or from check metering.

(h) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(i) *Power factor adjustment.* An adjustment for power factor will be made by increasing the billing demand for each month by one (1) percent for one (1) percent or major fraction thereof by which lagging power factor is less than 95.

5. Revise 25 CFR 176.55 (b), (c) (1) and (4) to read as follows:

**§ 176.55 Rate schedule No. 5: Irrigation pumping and sprinkling.**

(b) *Rate per season or fraction thereof.* \$10.30 per horsepower connected; 2.6 cents per kilowatt-hour for all kilowatt-hours used. The minimum connected horsepower charge will be \$50.00.

(c) *Special terms and conditions.* (1) The minimum annual (seasonal) horsepower charge of \$10.30 per connected horsepower shall be paid each year during the life of the contract. Payment shall be required each year before service is connected. If the service has not been connected by the close of the irrigation season, but in no case later than October 15, the minimum annual (seasonal) charge will be assessed.

(4) For a delinquent account to be reconnected, payment of all delinquent bills will be required, plus the estimated energy charge for the coming season, plus the annual seasonal charge of \$10.30 per horsepower.

Stanley Speaks,  
Portland Area Director.

[FR Doc. 88-4052 Filed 2-29-88; 8:45 am]

BILLING CODE 4310-02-M

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### 26 CFR Parts 5h, 55, and 602

(T.D. 8180)

#### Income Taxes; Excise Taxes Relating to Real Estate Investment Trusts and Regulated Investment Companies

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Final regulations and temporary regulations.

**SUMMARY:** This document contains final and temporary regulations under the Internal Revenue Code relating to the manner and method of reporting and paying the 4% excise tax imposed on real estate investment trusts (REITs) and regulated investment companies (RICs). These excise taxes were added to the Internal Revenue Code by the Tax Reform Act of 1986. The final regulations provide REITs and RICs with the guidance necessary to comply with the reporting requirements for these new excise taxes. The amendment to the temporary regulations relates to certain elections by RICs under the Tax Reform Act of 1986.

**EFFECTIVE DATE:** January 1, 1987.

**FOR FURTHER INFORMATION CONTACT:** Robert M. Casey of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224 (Attention: CC:LR:T) or telephone 202-566-3458 (not a toll-free number).

#### SUPPLEMENTARY INFORMATION:

##### Background

This document contains final amendments to the Excise Tax Regulations (26 CFR Part 55) under Chapter 44 of the Internal Revenue Code of 1986. These amendments provide guidance for the proper manner and method of reporting and paying the 4% excise tax imposed on REITs and RICs. The regulations reflect the amendment to section 4981 by section 668 of the Tax Reform Act of 1986 ("Act") (Pub. L. 99-514, 100 Stat. 2085) and the addition of section 4982 by section 651 of the Act. This document also contains an amendment to the temporary regulations relating to certain elections under the Act (26 CFR 5h.5). T.D. 8124, which added 26 CFR 5h.5, was published in the *Federal Register* (52 FR 3623) on February 5, 1987. The amendment to the temporary regulations relates to the time for making the election available to RICs under section 4982 (e)(4). These amendments were published in proposed form in the *Federal Register* on September 9, 1987 (52 FR 33953). There was no public hearing regarding the proposed amendments, and there were no written comments regarding the proposed amendments. Therefore, the amendments, as proposed, are adopted by this Treasury Decision.

#### Explanation of Provisions

##### Excise Tax Procedures

Section 4981 imposes a nondeductible excise tax on any REIT. Such excise tax is equal to 4% of the excess, if any, of the required distribution for any

calendar year over the distributed amount for such calendar year. New section 4982 imposes a similar nondeductible 4% excise tax on RICs. In general, these provisions require a REIT or a RIC to distribute an amount equal to the sum of specified percentages of its ordinary income and capital gain net income to its shareholders prior to the end of any calendar year in order to avoid the excise tax liability. Amounts not required to be distributed currently must be distributed before the end of the following calendar year.

The regulations prescribe the manner and method of paying the excise taxes imposed under sections 4981 and 4982. If a REIT is liable for the excise tax imposed by section 4981, such tax must be reported on Form 8612. A RIC which is liable for the excise tax imposed by section 4982 must report such tax on Form 8613. The excise tax return must be filed on or before March 15 of the first calendar year subsequent to the calendar year to which the excise tax liability applies. Full payment of the excise tax liability must accompany the excise tax return. The excise tax return, together with the payment satisfying such excise tax, are to be filed at the place specified in the existing regulations under Part 55. District directors and directors of service centers have the discretion to grant extensions of time for filing the excise tax return of up to six months. However, an extension of time for filing the excise tax return generally shall not operate to extend the time for the payment of the excise tax or any part thereof. Thus, payment satisfying the excise tax liability must still be made on or before the prescribed due date for the excise tax return, i.e., March 15.

Section 4981, as in effect prior to the amendments made by the Act, imposed an excise tax on the undistributed income of a REIT determined on the basis of the REIT's taxable year. The amendments made to section 4981 by the Act impose an excise tax on the undistributed income of a REIT determined on the basis of a calendar year, effective for calendar years after 1986. The regulations interpret the amendments made to section 4981 by the Act so that a REIT with a taxable year ending after December 31, 1986, will not be liable for the excise tax under the pre-Act version of section 4981 for that year.

The regulations do not address the determination of the proper amount of the excise tax imposed by sections 4981 and 4982. Any issues related to such determination that may be appropriately addressed by regulations will be



considered when regulations are developed to reflect other amendments to the REIT and RIC provisions made by the Tax Reform Act of 1986.

#### Section 4982(e)(4) Election

Section 4982(e)(4) allows a RIC to elect to use the period ending November 30 or December 31 for purposes of computing capital gain net income under section 4982 if that date corresponds to the end of the RIC's taxable year. Once an election under section 4982(e)(4) has been made by a RIC, the election can only be revoked with the consent of the Secretary. Section 5h.5(a)(2)(vi) of Title 26 of the Code of Federal Regulations provides that the election under section 4982(e)(4) is to be made on the excise tax return for RICs (Form 8613), and that the election must be made on or before March 15 of the first calendar year beginning after the end of the first excise tax period for which the election is to be effective. Because RICs must also use Form 8613 to report and pay the excise tax imposed under section 4982, and because RICs are permitted to request an extension of time to file Form 8613, the amendment to § 5h.5(a)(2)(vi) permits an extension of time for making the election under section 4982(e)(4) in those situations where a RIC is granted an extension of time to file Form 8613.

#### Special Analyses

The Commissioner of Internal Revenue has determined that this final rule is not a major rule as defined in Executive Order 12291 and that a Regulatory Impact Analysis therefore is not required. Although a notice of proposed rulemaking that solicited public comment was issued, the Internal Revenue Service concluded with the notice was issued that the notice and public procedure requirements of 5 U.S.C. 553 do not apply because the rules provided herein are interpretative. Accordingly, these final regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. chapter 6).

The collections of information contained in these regulations have been submitted to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980. The requirements have been approved by OMB under control number 1545-0999.

#### Drafting Information

The principal author of these regulations is Thomas J. Kane of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal

Revenue Service and Treasury Department participated on matters of both substance and style.

#### List of Subjects

##### 26 CFR Part 5h

Income taxes, Elections under various public laws: Deficit Reduction Act of 1984, Tax Reform Act of 1986.

##### 26 CFR Part 55

Excise taxes, Real estate investment trusts, Regulated investment companies.

##### 26 CFR Part 602

Reporting and recordkeeping requirements.

#### Adoption of Amendments to the Regulations

Accordingly, 26 CFR Parts, 5h, 55, and 602 are amended as follows:

**Paragraph 1.** 26 CFR Parts 5h and 55 are amended by adopting, without change, the regulations proposed as a notice of proposed rulemaking published in the *Federal Register* on September 9, 1987 (52 FR 33953), as follows:

#### PART 5h—[AMENDED]

**Par. 1a.** The authority for Part 5h continues to read in part as follows:

Authority. 26 U.S.C. 7805 \* \* \* Section 5h.5 also issued under 26 U.S.C. 4982(e)(4).

**Par. 2.** Section 5h.5(a)(2)(vi) is revised to read as follows:

**§ 5h.5 Time and manner of making certain elections under the Tax Reform Act of 1986.**

(a) *Miscellaneous elections.* \* \* \*  
(2) *Time for making elections.* \* \* \*  
(vi) *Time for making certain elections by regulated investment companies.* The election under Act section 651 (Code section 4982(e)(4)) shall be made on a statement attached to the form prescribed by the Internal Revenue Service which is used to report and pay the excise tax liability under section 4982. The election shall be filed on or before the later of—

(A) March 15 of the first calendar year beginning after the end of the first excise tax period for which the election is to be effective, or

(B) If the regulated investment company has been granted an extension of time to file a return for the excise tax under Code section 4982 for such excise tax period, the due date (including extensions thereof) for such return.

The statement of election under section 4982(e)(4) shall be attached to the prescribed form regardless of whether the regulated investment company is liable for the excise tax imposed by

section 4982 for the excise tax period in question.

#### PART 55—[AMENDED]

**Par. 3.** The authority for Part 55 is revised to read as follows (and the authority section under § 55.4981-1 is removed):

**Authority:** Secs. 6001, 6011, 6071, 6091, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 731, 732, 749, 752, 917; 26 U.S.C. 6001, 6011, 6071, 6091, and 7805). Section 55.4981-1 also issued under sec. 860(e), 92 Stat. 2849 (26 U.S.C. 860(e); sec. 860(g), 92 Stat. 2850 (26 U.S.C. 860(g)); and sec. 7805, 68A Stat. 917 (26 U.S.C. 7805) of the Internal Revenue Code of 1954; 26 U.S.C. 7805. Section 55.6011-1 also issued under 26 U.S.C. 6011(a); Section 55.6071-1 also issued under 26 U.S.C. 6071(a); Section 55.6091-1 also issued under 26 U.S.C. 6091(a); Section 55.6151-1 also issued under 26 U.S.C. 6151.

**Par. 4.** The title of Part 55 is revised to read as follows:

#### PART 55—EXCISE TAX ON REAL ESTATE INVESTMENT TRUSTS AND REGULATED INVESTMENT COMPANIES

**Par. 5.** The title to Subpart A of Part 55 is revised to read as follows:

##### Subpart A—Excise Tax On Real Estate Investment Trusts

**Par. 6.** The heading of § 55.4981-1 is revised to read as follows:

**§ 55.4981-1 Imposition of excise tax on certain real estate investment trust taxable income not distributed during the taxable year; taxable years ending on or before January 1, 1987.**

**Par. 7.** Section 55.4981-1 is amended by:

(1) Inserting the words, "as in effect before amendment by the Tax Reform Act of 1986," immediately following the words "Section 4981" and "section 4981" wherever those words appear, and

(2) Inserting "and ending before January 1, 1987," immediately after "1979," in the last sentence.

**Par. 8.** A new § 55.4981-2 is added immediately after § 55.4981-1 to read as follows:

**§ 55.4981-2 Imposition of excise tax with respect to certain undistributed income of real estate investment trusts; calendar years beginning after December 31, 1986.**

Section 4981, as amended by the Tax Reform Act of 1986, imposes an excise tax on a real estate investment trust in the amount of four percent of the excess, if any, of the required distribution for a calendar year over the distributed amount for such calendar year. Section



4981, as so amended, applies only to calendar years that begin after December 31, 1986. For provisions relating to the imposition of an excise tax with respect to certain undistributed income of real estate investment trusts for taxable years ending before January 1, 1987, see § 55.4981-1.

#### Subpart B—[Redesignated as Subpart C]

Par. 9. Subpart B—*Procedure and Administration* is redesignated as Subpart C—*Procedure and Administration*.

Par. 10. A new Subpart B is added to read as follows:

#### Subpart B—Excise Tax on Regulated Investment Companies

##### § 55.4982-1 Imposition of excise tax on undistributed income of regulated investment companies.

Section 4982 imposes an excise tax on a regulated investment company in the amount of four percent of the excess, if any, of the required distribution for a calendar year over the distributed amount for such calendar year. Section 4982 applies only to calendar years beginning after December 31, 1986.

Par. 11. Section 55.6011-1 is revised to read as follows:

##### § 55.6011-1 General requirement of return, statement, or list.

Every person liable for tax under Chapter 44 shall file an annual return with respect to the tax on the form prescribed by the Internal Revenue Service for such purpose and shall include therein the information required by the form and the instructions issued with respect thereto. For calendar years beginning after December 31, 1986, the return, which must be made on a calendar year basis, shall be filed by a real estate investment trust on Form 8612 and by a regulated investment company on Form 8613.

Par. 12. Section 55.6061-1 is revised to read as follows:

##### § 55.6061-1 Signing of returns and other documents.

Any return required to be made by a real estate investment trust or a regulated investment company with respect to the tax imposed by Chapter 44 shall be signed by a person authorized by section 6062 of the Code to sign the income tax return of the real estate investment trust or the regulated investment company. Any statement or other document required to be made with respect to the tax imposed by Chapter 44 shall be signed by the person required or duly authorized to sign in

accordance with the regulations, forms, or instructions prescribed with respect to such statement or document. An individual's signature on a return, statement, or other document made by or for the real estate investment trust or the regulated investment company shall be prima facie evidence that the individual is authorized to sign the return, statement, or other document.

Par. 13. Section 55.6071-1 is revised to read as follows:

##### § 55.6071-1 Time for filing returns.

(a) *Returns for calendar years beginning after December 31, 1986.* A return required by § 55.6011-1 for any calendar year beginning after December 31, 1986, shall be filed on or before March 15 of the following calendar year. See § 55.6081-1 for rules relating to extensions of time for filing a return required by § 55.6011-1.

(b) *Returns for excise tax under section 4981 as in effect before amendment by the Tax Reform Act of 1986.* A return required by § 55.6011-1 for any excise tax under section 4981, as in effect before amendment by the Tax Reform Act of 1986, shall be filed at the time (including any extension of time granted or allowed under section 6081) that the real estate investment trust is required to file its income tax return under section 6012 for the taxable year for which the tax under section 4981, as in effect before amendment by the Tax Reform Act of 1986, is imposed.

##### § 55.6091-1 [Amended]

Par. 14. Section 55.6091-1(a) is amended by adding the words "or regulated investment company" immediately after the words "real estate investment trust".

Par. 15. A new § 55.6151-1 is added to read as follows:

##### § 55.6151-1 Time and place for paying of tax shown on returns.

The tax shown on any return which is imposed by Chapter 44 shall, without notice or assessment and demand, be paid to the internal revenue officer with whom the return is filed at the time and place for filing such return (determined without regard to any extension of time for filing the return). For provisions relating to the time and place for filing such return, see §§ 55.6071-1 and 55.6091-1. For provisions relating to the extension of time for paying the tax see § 55.6161-1.

#### PART 602—[AMENDED]

Par. 16. The authority citation of 26 CFR Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

##### § 602.101 [Amended]

Par. 17. Section 602.101(c) is amended by inserting in the appropriate place in the table:

§ 5h.5(a)(2)(vi).....	1545-0999
§ 55.6011-1.....	1545-0999
§ 55.6061-1.....	1545-0999
§ 55.6071-1.....	1545-0999

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved: February 9, 1988.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 88-4239 Filed 2-29-88; 8:45 am]

BILLING CODE 4830-01-M

#### FEDERAL EMERGENCY MANAGEMENT AGENCY

##### 44 CFR Part 64

[Docket No. FEMA 6779]

##### List of Communities Eligible for the Sale of Flood Insurance; Alabama et al.

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

**SUMMARY:** This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities were required to adopt floodplain management measures compliant with the NFIP revised regulations that became effective on October 1, 1986. If the communities did not do so by the specified date, they would be suspended from participation in the NFIP. The communities are now in compliance. This rule withdraws the suspension. The communities' continued participation in the program authorizes the sale of flood insurance.

**EFFECTIVE DATE:** February 4, 1988.

**ADDRESSES:** Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the NFIP at: P.O. Box 457, Lanham, Maryland 20706, Phone: (800) 638-7418.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street SW., Room 416, Washington, DC 20472.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and



administer local floodplain management measures aimed at protecting lives and new construction from future flooding.

In addition, the Director of the Federal Emergency Management Agency has identified the Special Flood Hazard Areas in these communities by publishing a Flood Insurance Rate Map. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the Special Flood Hazard Area shown on the map.

The Director finds that the delayed

effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice

stating the community's status in the NFIP and imposes no new requirements or regulations on these participating communities.

#### List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

#### PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, the suspension for each listed community has been withdrawn. The entry reads as follows:

#### § 64.6 List of Eligible Communities.

State	Community name	County	Community No.	Effective date	
Alabama	Alabaster, city of	Shelby	010192	February 4, 1988	Suspension withdrawn.
Do	Athens, city of	Limestone	010146	do	
Do	Autaugaville, town of	Autauga	010001	do	
Do	Bessemer, city of	Jefferson	010115	do	
Do	Carbon Hill, town of	Walker	010204	do	
Florida	Unincorporated areas	Alachua	120001	do	
Do	Altamonte Springs, city of	Seminole	120290	do	
Do	Apalachicola, city of	Franklin	120089	do	
Do	Belle Glade, city of	Palm Beach	120194	do	
Do	Belleair Bluffs, city of	Pinellas	120239	do	
Do	Belleair Shore, city of	Pinellas	125090	do	
Do	Brooksville, city of	Hernando	120333	do	
Do	Callaway, city of	Bay	120005	do	
Do	Casselberry, city of	Seminole	120291	do	
Do	Cedar Key, city of	Levy	120373	do	
Do	Unincorporated areas	Charlotte	120061	do	
Do	Unincorporated areas	Clay	120064	do	
Georgia	Berkeley Lake, city of	Gwinnett	130450	do	
Do	Unincorporated areas	Bryan	130016	do	
Do	Cave Spring, city of	Floyd	130080	do	
Do	Columbus, city of	Muscogee	135158	do	
Kentucky	Georgetown, city of	Scott	210208	do	
Do	Unincorporated areas	Greenup	210088	do	
Do	Hazard, city of	Parry	215188	do	
Mississippi	Bay St. Louis, city of	Hancock	285251	do	
Do	Crenshaw, city of	Panola	280127	do	
Do	Florence, town of	Rankin	280144	do	
Do	Unincorporated areas	Grenada	280061	do	
Do	Gulfport, city of	Harrison	285253	do	
Do	Inverness, town of	Sunflower	280165	do	
Do	Isola, town of	Humphreys	280190	do	
North Carolina	Unincorporated areas	Chowan	370301	do	
Do	Hamilton, town of	Martin	370334	do	
Do	Kitty Hawk, town of	Dare	370439	do	
Do	Pantego, town of	Beaufort	370016	do	
Do	Unincorporated areas	Perquimans	370315	do	
Do	Southern Shores, town of	Dare	370430	do	
Do	Stonewall, town of	Pamlico	370437	do	
South Carolina	Unincorporated areas	Chester	450047	do	
Do	Columbia, city of	Richland	450172	do	
Do	Unincorporated areas	Dorchester	450068	do	
Do	Holly Hill, town of	Orangeburg	450163	do	
Do	Honea Path, town of	Anderson	450016	do	
Tennessee	Unincorporated areas	Anderson	470217	do	
Do	Bartlett, town of	Shelby	470175	do	
Do	Bristol, city of	Sullivan	470182	do	
Do	Charleston, city of	Bradley	470014	do	
Do	Clarksburg, town of	Montgomery	470137	do	
Do	Cowan, city of	Franklin	470053	do	
Do	Dechard, town of	Franklin	470054	do	
Do	East Ridge, city of	Hamilton	475424	do	
Do	Unincorporated areas	Wilson	470207	do	



Issued: February 24, 1988.

Harold T. Duryee,

Administrator, Federal Insurance  
Administration.

[FR Doc. 88-4336 Filed 2-29-88; 8:45 am]

BILLING CODE 6718-03-M

#### 44 CFR Part 64

[Docket No. FEMA 6778]

#### Suspension of Community Eligibility; Alabama et al.

**AGENCY:** Federal Emergency  
Management Agency, FEMA.

**ACTION:** Final rule.

**SUMMARY:** This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective date shown in this rule because of noncompliance with the revised floodplain management criteria of the NFIP. If FEMA receives documentation that the community has adopted the required revisions prior to the effective suspension date given in this rule, the community will not be suspended and the suspension will be withdrawn by publication in the *Federal Register*.

**EFFECTIVE DATE:** March 4, 1988.

**FOR FURTHER INFORMATION CONTACT:** Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, Federal Center Plaza, 500 C Street SW., Room 416, Washington, DC 20472, (202) 646-2717.

**SUPPLEMENTARY INFORMATION:** The NFIP enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local floodplain management

measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the NFIP (42 U.S.C. 4001-4128) unless an appropriate public body shall have adopted adequate floodplain management measures with effective enforcement measures.

On August 25, 1986, FEMA published a final rule in the *Federal Register* that revised the NFIP floodplain management criteria. The rule became effective on October 1, 1986. As a condition for continued eligibility in the NFIP, the criteria at 44 CFR 60.7 require communities to revise their floodplain management regulations to make them consistent with any revised NFIP regulation within 6 months of the effective date of that revision or be subject to suspension from participation in the NFIP.

The communities listed in this notice have not amended or adopted floodplain management regulations that incorporate the rule revision. Accordingly, the communities are not compliant with NFIP criteria and will be suspended on the effective date shown in this final rule. However, some of these communities may adopt and submit the required documentation of legally enforceable revised floodplain management regulations after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the *Federal Register*. In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate

FEMA Regional Office or the NFIP servicing contractor.

The Administrator finds that notice and public procedures under 5 U.S.C. 533(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified. Each community receives a 90- and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. For the same reasons, this final rule may take effect within less than 30 days.

Pursuant to the provision of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to adopt adequate floodplain management measures, thus placing itself in noncompliance with the Federal standards required for community participation.

#### List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for Part 64 continues to read as follows:

**Authority:** 42 U.S.C. 4001 *et seq.*, Reorganization Plan No. 3 of 1978, E.O. 12127

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

#### § 64.6 List of Eligible Communities.

State	Community name	County	Community No.	Effective date
Alabama	Jasper, city of	Walker	010206	March 4, 1988.
Do	Unincorporated areas	Jefferson	010217	Do.
Do	Lincoln, city of	Talladega	010198	Do.
Do	Livingston, city of	Sumter	010195	Do.
Do	Unincorporated areas	Lowndes	010272	Do.
Do	Unincorporated areas	Macon	010148	Do.
Do	Unincorporated areas	Madison	010151	Do.
Do	Unincorporated areas	Mobile	015008	Do.
Florida	Fort Lauderdale, city of	Broward	125105	Do.
Do	Fort Meade, city of	Polk	120264	Do.
Do	Unincorporated areas	Franklin	120088	Do.
Do	Unincorporated areas	Flagler	120085	Do.
Do	Gulf Breeze, city of	Santa Rosa	120275	Do.
Do	Haines City, city of	Polk	120266	Do.
Do	Unincorporated areas	Highland	120111	Do.
Do	Holly Hill, city of	Volusia	125112	Do.
Do	Inglis, city of	Levy	120586	Do.
Do	Interlachen, city of	Putnam	120391	Do.
Do	Jupiter Inlet Colony, city of	Palm Beach	125120	Do.



State	Community name	County	Community No.	Effective date
Do	Lynn Haven, city of	Bay	120009	Do.
Do	Juna Beach, city of	Palm Beach	120208	Do.
Do	Unincorporated areas	Monroe	125129	Do.
Do	Unincorporated areas	Palm Beach	120192	Do.
Do	Unincorporated areas	Polk	120261	Do.
Do	Pomona Park, city of	Putnam	120418	Do.
Do	Sanibel, city of	Lee	120402	Do.
Do	South Daytona, city of	Volusia	120314	Do.
North Carolina	Caswell Beach, town of	Brunswick	370391	Do.
Do	Emerald Isle, town of	Carteret	370047	Do.
Do	Unincorporated areas	New Hanover	370168	Do.
Do	Indian Beach, town of	Carteret	470433	Do.
Do	Tabor City, town of	Columbus	370070	Do.
Do	Whiteville, city of	Columbus	370071	Do.
Do	Unincorporated areas	Pender	370344	Do.
South Carolina	Pendleton, town of	Anderson	450019	Do.
Do	Unincorporated areas	Pickens	450166	Do.
Do	Pickens, town of	Pickens	450169	Do.
Do	Pine Ridge, town of	Lexington	450136	Do.
Do	York, town of	York	450197	Do.
Tennessee	Lebanon, city of	Wilson	470208	Do.
Do	Unincorporated areas	Loudon	470107	Do.
Do	Unincorporated areas	Madison	470112	Do.
Do	Maryville, city of	Blount	475439	Do.
Do	Memphis, city of	Shelby	470177	Do.
Do	Milan, city of	Gibson	470060	Do.
Do	Millington, city of	Shelby	470178	Do.
Do	Unincorporated areas	Morgan	470139	Do.
Do	Morristown, city of	Hamblen	470070	Do.
Do	Unincorporated areas	Nashville-Davidson	470040	Do.
Do	Obion, town of	Obion	470253	Do.
Do	Rossville, town of	Fayette	470050	Do.
Do	Unincorporated areas	Shelby	470214	Do.
Do	South Fulton, city of	Obion	475446	Do.
Do	Trenton, city of	Gibson	470062	Do.
Do	Tullahoma, city of	Coffee and Franklin	470036	Do.
Do	Union City, city of	Obion	470142	Do.
Do	Watertown, city of	Wilson	470380	Do.

Issued: February 24, 1988.

Harold T. Duryee,

Administrator, Federal Insurance  
Administration.

[FR Doc. 88-4335 Filed 2-29-88; 8:45 am]

BILLING CODE 5718-03-M

## LEGAL SERVICES CORPORATION

### 45 CFR Part 1602

#### Procedures for Disclosure of Information Under the Freedom of Information Act

AGENCY: Legal Services Corporation.

ACTION: Final rule.

**SUMMARY:** This final rule revises Part 1602 of the Legal Services Corporation's regulations, 45 CFR Part 1602, governing the disclosure of information under the Freedom of Information Act ("FOIA"), 5 U.S.C. 552 *et seq.* First, these revisions implement the Freedom of Information Reform Act of 1986 ("Reform Act") Pub. L. 99-570, 100 Stat. 3207 (1986), which requires that each entity subject to the FOIA shall promulgate regulations containing a schedule of fees in accordance with the guidelines issued by the Office of Management and

Budget ("OMB"). Second, this proposed rule changes subsection (a)(6) of 45 CFR 1602.9 to give the Legal Services Corporation ("LSC" or "Corporation") greater discretion when making a determination whether to withhold law enforcement records in conformance with the Reform Act's revisions to subsection (b)(7) of the FOIA. Third, this proposed rule changes certain administrative provisions, such as the Corporation's address, and conforms the regulation to current Corporation policy that all FOIA requests are handled through LSC's headquarters in Washington, DC.

Congress has been given the fifteen-day notice required by Pub. L. 99-180, as incorporated in Pub. L. 99-591. This revision of Part 1602 will go into effect thirty days after publication in the Federal Register.

**EFFECTIVE DATE:** March 31, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Timothy B. Shea, General Counsel, Office of the General Counsel, Legal Services Corporation, 400 Virginia Avenue SW., Washington, DC 20024-2751, (202) 863-1823.

**SUPPLEMENTARY INFORMATION:** Notice of the proposed changes to Part 1602 was published in the Federal Register on

May 21, 1987. See 52 FR 19176. The Corporation received three timely comments. The United States Department of Justice urged LSC to set forth in greater detail the procedures and standards to be used in making fee waiver determinations and provided a Fee Waiver Policy Guidance Memorandum ("Guidance") giving its interpretation of the new statutory fee waiver standard. A private citizens' organization specifically rejected the Justice Department's Guidance as being inconsistent with Congressional intent.

LSC has decided to include additional language in the fee waiver section in order to provide more specific guidance on the elements of the decision in passing on fee waiver requests. The additional language merely breaks down the statutory language into logical analytical steps to be taken when deciding whether to grant a fee waiver.

Other comments recommended departure from the definitions provided by OMB over a concern about possible inaccurate interpretations. The Corporation does not believe these concerns are sufficiently supported and will use the definitions proposed in OMB's guidelines.



Finally, the additional language also includes a provision clarifying that the fee waiver provisions are subject to appeal in the same manner as appeals from denials of records under § 1602.12.

Although under the Legal Services Corporation Act ("Act"), 42 U.S.C. 2996 *et seq.*, the Corporation is not considered an agency of the Federal government, 42 U.S.C. 2996d(g), section 1005(g) of the Act provides that the Corporation, its officers and employees shall be subject to the FOIA. Pursuant to Pub. L. 99-570, section 552(a)(4)(A) of the FOIA now requires covered agencies to create fee schedules in conformance with guidelines promulgated by the Director of the OMB. Because the Corporation is subject to the FOIA, the final rule conforms the fee provisions to OMB's guidelines.

Section 1602(a)(6) of this regulation has been revised in accordance with the amendments made to section 552(b)(7) of the FOIA. Those portions of the new law which specifically address criminal law enforcement authorities have not been included in this proposed rule as they are not pertinent to the Corporation's work.

In 1976, the Corporation promulgated Part 1602 of its regulations to implement section 1005(g) of its Act. Some of the information contained in Part 1602, such as the Corporation's address, is no longer accurate. Changes such as these are also included in the revisions set forth below.

The major change in Part 1602 is the revision of the fee schedule to conform to the Reform Act and the guidelines issued by OMB. For the first time the FOIA establishes categories of requesting parties. The four groups of FOIA requesters are: (1) Commercial use requesters, (2) educational and non-commercial scientific institutions, (3) representatives of the news media, and (4) all other requesters. When determining a requesting party's proper category the Corporation shall look at the use to which a requester will put the documents. Requesters should reasonably describe the records sought and the use for which they are requested. The former fee schedule is changed to permit the Corporation to charge fees for document search, duplication and review for commercial use requesters. When requests are received from educational institutions, non-commercial scientific institutions, or news media representatives, the Corporation shall charge only for document duplication. For all other requesters, the Corporation shall charge for the costs of document search and duplication. The definitions of what constitutes "commercial users",

"educational institutions", "non-commercial scientific institutions", and "news media representatives" are contained in § 1612.2 of the text.

The new fee schedule sets forth corporate staff categories to reflect the direct labor costs attributable to a document search or review. Accordingly, definitions for "direct costs," "search," "duplication", and "review" have been added. In addition, this rule will permit the Corporation to charge for the cost of mailing FOIA responses. The costs incurred by the Corporation for the first two hours of search time and the first 100 pages of duplication will not be charged to the requesting party.

Fee waivers will be warranted if the requester can satisfactorily demonstrate that the disclosure of requested information is in the public interest because it is likely to significantly contribute to the public's understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

In order to determine whether disclosure is in the public interest, the Corporation will consider: (1) The subject of the request, (2) the informative value of the information to be disclosed, (3) the contribution to an understanding of the subject by the general public likely to result from disclosure, and (4) the significance of the contribution to public understanding. In order to determine whether disclosure is not primarily in the commercial interest of the requester, the Corporation will consider: (1) The existence of a commercial interest, and (2) the primary interest in disclosure.

The Corporation may require full advance payment of a fee if it is estimated to exceed \$250 or if the requester has failed to pay a previously owed fee in a timely manner. In addition, the Corporation may charge interest if a fee has not been paid within 31 days of dispatch of the FOIA response.

Section 1602.9(a)(6) has been changed to add a "reasonableness" test which the Corporation shall apply when making a determination whether to release law enforcement information. The requested information may be withheld if the Corporation determines that its disclosure could reasonably be expected to constitute an unwarranted invasion of privacy, disclose a confidential source, endanger the life or physical safety of any individual, or, in the case of law enforcement investigations, risk circumvention of the law.

In sum, the changes in this document are:

1. The Table of Contents of Part 1602 is revised by removing § 1602.6 entitled, "Regional records room," to reflect the abolition of the Corporation's regional offices as a source of FOIA records. To avoid renumbering the remaining sections, § 1602.6 is reserved for future use.

2. Sections 1602.1 and 1602.2 are amended by removing the phrase "as amended in 1974" as unnecessary.

3. The definitions "Clerical", "Professional Support", "Professional Staff", and "Management" have been added to § 1602.2 to explain the categories used in the fee schedule set forth in § 1602.13.

4. The definitions "Commercial use request", "Educational institutions", "Non-commercial scientific institution", and "Representatives of the news media" have been added to § 1602.2 to reflect statutory changes made in the FOIA and to conform to the OMB guidelines.

5. The definitions in § 1602.2 have been arranged alphabetically for simplicity and the former alphabetical numbering system has been removed.

6. The reference to the regional offices in §§ 1602.4 and 1602.7 have been corrected and in § 1602.6 have been removed to reflect the fact that all records requests are being processed in Washington, DC.

7. Section 1602.5(a) is revised to reflect the Corporation's new address.

8. Section 1602.9(a)(6) is revised to conform with § 1802(a) of Pub. L. 99-570, the Reform Act. Paragraph (b) of section 1802 of Pub. L. 99-570 is not included in these revisions because the Corporation has no involvement in criminal law enforcement proceedings.

9. Paragraphs (b) through (j) of § 1602.13 have been revised to implement section 1803 of the Reform Act in accordance with the OMB guidelines. Former paragraph (h) has been renamed paragraph (k).

For reasons set out above, Part 1602 of Title 45 of the Code of Federal Regulations is amended as follows:

#### **PART 1602—PROCEDURES FOR DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT**

1. The Table of Contents is revised to read as follows:

Sec.	Purpose.
1602.1	Purpose.
1602.2	Definitions.
1602.3	Policy.
1602.4	Index of records.
1602.5	Central records room.
1602.6	[Reserved]
1602.7	Use of records room.



- Sec.  
 1602.8 Availability of records on request.  
 1602.9 Invoking exemptions to withhold a requested record.  
 1602.10 Officials authorized to grant or deny requests for records.  
 1602.11 Denials.  
 1602.12 Appeals of denials.  
 1602.13 Fees.

2. The authority citation for Part 1602 continues to read as follows:

Authority: Sec. 1005(g), 42 U.S.C. 2996d(g).

§ 1602.1 [Amended]

3. Section 1602.1 is amended by removing the phrase "as amended in 1974."

4. Section 1602.2 is revised to read as follows:

§ 1602.2 Definitions.

As used in this part—

"Clerical" means secretaries and clerks.

"Commercial use request" means request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester properly belongs in this category, the Corporation will look to the use to which a requester will put the documents requested. When the Corporation has reasonable cause to doubt the use to which a requester will put the records sought, or where the use is not clear from the request itself, it will seek additional clarification before assigning the request to a specific category. If still in doubt, the Corporation will make the determination based on the factual circumstances surrounding the request, including the identity of the requester.

"Direct costs" means those expenditures which an agency actually incurs in searching for and duplicating (and in the case of commercial requesters, reviewing) documents to respond to a FOIA request. Direct costs include, for example, the salary of the employee performing work (the basic rate of pay for the employee plus 16 percent of that rate to cover benefits) and the cost of operating duplicating machinery. Not included in direct costs are overhead expenses such as costs of space, and heating or lighting the facility in which the records are stored.

"Duplication" means the process of making a copy of a document necessary to respond to a FOIA request. Such copies can take the form of paper copy, microform, audio-visual materials, or machine readable documentation (e.g., magnetic tape or disk), among others.

"Educational institution" means a preschool, a public or private elementary or secondary school, an institution of graduate higher education, an institution of undergraduate higher education, an institution of professional education, and an institution of vocational education, which operates a program or program of scholarly research.

"FOIA" means the Freedom of Information Act, 5 U.S.C. 552.

"Management" means unit managers, office directors, and corporation officers.

"Non-commercial scientific institution" means an institution that is not operated on a "commercial" basis and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

"Professional Staff" means assistants to directors, staff attorneys, monitoring analysts, auditors, and computer programmers/analysts.

"Professional Support" means administrative assistants and junior accountants.

"Records" means books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Corporation in connection with the transaction of the Corporation's business and preserved by the Corporation as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Corporation, or because of the informational value of data in them. The term does not include *inter alia*, books, magazines, or other materials acquired solely for library purposes and available through any officially designated library of the Corporation.

"Representative of the news media" means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term "news" means information that is about current events or that would be of current interest to the public. Examples of news media entities include television or radio stations broadcasting to the public at large and publishers of periodicals (but only in those instances when they can qualify as disseminators of "news") who make their products available for purchase or subscription by the general public. These examples are not intended to be all-inclusive. Moreover, as traditional methods of news delivery evolve (e.g., electronic dissemination of newspapers through telecommunications services), such

alternative media would be included in this category. In the case of "freelance" journalists, they will be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

"Review" means the process of examining documents located in response to a request that is for a commercial use to determine whether any portion of any document located is permitted to be withheld. It also includes processing any documents for disclosure, e.g., doing all that is necessary to excise them and otherwise prepare them for release. Review does not include time spent resolving general legal or policy issues regarding the application of exemptions.

"Search" means all the time spent looking for material that is responsive to a request, including page-by-page or line-by-line identification of material within documents. The search should be conducted in the most efficient and least expensive manner. Searches may be done manually or by computer using existing programming.

§ 1602.4 [Amended]

5. Section 1602.4, is amended by removing the words "; and at each regional office" after "DC."

§ 1602.5 [Amended]

6. Section 1602.5(a), "Central records room," is amended by removing the phrase "733 Fifteenth Street, NW., Suite 700, Washington, DC 20005, (202) 376-5100" and substituting "400 Virginia Avenue, SW., Washington, DC 20024-2751, (202) 863-1820".

§ 1602.6 [Removed]

7. Section 1602.6, "Regional records rooms," is removed and reserved.

§ 1602.7 [Amended]

8. Section 1602.7(a), is amended by removing the words "or a regional" after the word "central." It is further amended by removing the words "; although persons wishing to make extended use of regional office facilities should take account of the possible limitations in these facilities" after the word "required".

9. Paragraph (a)(6) of § 1602.9 is revised to read as follows:

§ 1602.9 Invoking exemptions to withhold a requested record.

(a) \* \* \*

(6) Records or information compiled for enforcing the Act or any other law, but only to the extent that the



production of such law enforcement records or information:

(i) Could reasonably be expected to interfere with enforcement proceedings;

(ii) Would deprive a person of a right to a fair trial or an impartial adjudication;

(iii) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(iv) Could reasonably be expected to disclose the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution which furnished information on a confidential basis;

(v) Would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(vi) Could reasonably be expected to endanger the life or physical safety of any individual;

#### § 1602.10 [Amended]

10. Section 1602.10 is amended by removing the words "each Regional Director, and each Regional Records Officer."

11. Paragraphs (b), (c), (d), and (e)(1) introductory text, and (e)(1)(i) through (iii) are revised; the introductory text of paragraph (e) is republished; (e)(1)(iv), (6) and (7) are added; (f) through (h) are revised and (i) through (k) are added, to read as follows:

#### § 1602.13 Fees.

(b) Fees shall be limited to reasonable standard charges for document search, duplication, and review, when records are requested for commercial use;

(c) Fees shall be limited to reasonable standard charges for document duplication when records are not sought for commercial use and the request is made by an educational or non-commercial scientific institution, whose purpose is scholarly or scientific research; or a representative of the news media; and

(d) For any request not described in paragraph (b) or (c) of this section, fees shall be limited to reasonable standard charges for document search and duplication.

(e) The schedule of charges for services regarding the production or disclosure of the Corporation's records is as follows:

(1) Search for records and production of information is based on the following schedule of direct labor charges:

(i) Clerical=\$2.77/quarter hour

(ii) Professional Support=\$3.45/quarter hour

(iii) Professional Staff=\$4.99/quarter hour

(iv) Management=\$8.37/quarter hour

(6) Packing and mailing records actual charges as incurred.

(7) Special delivery or express mail actual charges as incurred.

(f) Documents shall be furnished without any charge or at a charge reduced below the fees established under paragraph (e) of this section if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.

(1) In order to determine whether disclosure of the information "is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government," the Corporation will consider the following four criteria.

(i) The subject of the request: Whether the subject of the requested records concerns "the operations or activities of the government;"

(ii) The informative value of the information to be disclosed: Whether the disclosure is "likely to contribute" to an understanding of government operations or activities;

(iii) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to "public understanding"; and

(iv) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute "significantly" to public understanding of government operations or activities.

(2) In order to determine whether disclosure of the information "is not primarily in the commercial interest of the requester," the Corporation will consider the following two factors:

(i) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so.

(ii) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is "primarily in the commercial interest of the requester."

(3) These fee waiver/reduction provisions will be subject to appeal in the same manner as appeals from denial under § 1602.12.

(g) No fee will be charged under this section—

(1) If the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee; or

(2) For any request described in paragraph (b), (c), or (d) of this section for the first two hours of search time or for the first one hundred pages of duplication.

(h) No requester will be required to make an advance payment of any fee unless the requester has previously failed to pay fees in a timely fashion or the Corporation has determined that the fee will exceed \$250

(1) In the event that a requester has previously failed to pay a required fee (within 30 days of the date of billing), an advance deposit of the full amount of the anticipated fee together with the fee then due plus interest accrued may be required. The request will not be deemed to have been received by the Corporation until such payment is made

(2) In the event that the Corporation determines that an estimated fee will exceed \$250, the requesting party shall be notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. Such notification shall be transmitted as soon as possible, but in any event within five working days, giving the best estimate then available. The notification shall offer the requesting party the opportunity to confer with appropriate representatives of the Corporation for the purpose of reformulating the request so as to meet his needs at a reduced cost. The request will not be deemed to have been received by the Corporation until an advance payment of the entire fee is made

(i) Interest will be charged to those requesters who fail to pay the fees charged. Interest will be assessed on the amount billed, starting on the 31st day following the day on which the billing was sent. The rate charged will be as prescribed in 31 U.S.C. 3717.

(j) If the Corporation reasonably believes that a requester or group of requesters is attempting to break a request into a series of requests for the purpose of evading the assessment of fees, the Corporation shall aggregate such requests and charge accordingly.

(k) The Corporation reserves the right to limit the number of copies that will be provided of any document to any one requesting party or to require that



special arrangements for duplication be made in the case of bound volumes or other records representing unusual problems of handling or reproduction.

Date: February 25, 1988.

Timothy B. Shea,

General Counsel.

[FR Doc. 88-4371 Filed 2-29-88; 8:45 am]

BILLING CODE 6820-35-M

## DEPARTMENT OF DEFENSE

### 48 CFR Part 222

[DAR Case 87-321]

#### Department of Defense Federal Acquisition Regulation Supplement; Restrictions on Employment of Personnel (Alaska & Hawaii)

**AGENCY:** Department of Defense (DoD).

**ACTION:** Final rule.

**SUMMARY:** The Defense Acquisition Regulatory Council has approved changes to DoD FAR Supplement Part 222 regarding Restrictions on Employment of Personnel on DoD contracts. The purpose of the changes is to implement section 8046 of the FY 1988 Defense Appropriations Act.

**EFFECTIVE DATE:** March 1, 1988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Charles W. Lloyd, Executive Secretary, ODASD (P) DARS, c/o OASD (P&L) (MRS), Room 3D139, The Pentagon, Washington, DC 20301-3062.

#### SUPPLEMENTARY INFORMATION:

##### A. Background

Section 8078 of the FY 1986 Defense Appropriations Act and section 9069 of the FY 1987 Defense Appropriations Act required that whenever the unemployment rate in Alaska or Hawaii exceeded the national average as determined by the Secretary of Labor, service and construction contracts awarded in FY 1986 and FY 1987 that call for performance in whole or in part within those states must contain a restriction on who can be employed to perform work on that contract. Section 8046 of the FY 1988 Defense Appropriations Act enacts a similar requirement to those provisions covered by section 8078 of the FY 1986 Defense Appropriations Act and section 9069 of the FY 1987 Defense Appropriations Act.

##### B. Regulatory Flexibility Act Information

The Department of Defense certifies that this final rule will not have a significant impact on a substantial number of small entities under the Regulatory Flexibility Act, 5 U.S.C. 601

*et seq.*, because the change does nothing more than implement section 8078 of the FY 1986 Act and section 9069 of the FY 1987 DoD Appropriations Act. If this change impacts on small entities, it will impact only those small entities that have been awarded in FY 1988 construction and services contracts calling for performance in whole or in part within the States of Alaska and Hawaii and then only if the unemployment rate for those states exceeds the nation average. The number of small entities that meet this condition is considered to be insignificant in relation to the total number of small entities that do business with the Department of Defense.

#### C. Paperwork Reduction Act Information

The final rule does not contain information collection requirements which require the approval of OMB under 44 U.S.C. 3501 *et seq.*

#### List of Subjects in 48 CFR Part 222

Government procurement.  
Charles W. Lloyd,

Executive Secretary, Defense Acquisition Regulatory Council.

#### Adoption of Amendments

Therefore, the DoD FAR Supplement contained in 48 CFR Part 222, is amended as set forth below:

1. The authority citation for 48 CFR Part 222 continues to read as follows:

Authority: 5 U.S.C. 301, 10 U.S.C. 2202, DoD Directive 5000.35, and DoD FAR Supplement 201.301.

#### PART 222—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

##### 222.7200 [Amended]

2. Section 222.7200 is amended by removing in paragraph (a) after the words "Pub. L. 98-190," the word "and"; by adding in paragraph (a) after the words "Pub. L. 99-591," the words "and section 8046 of the 1988 Defense Appropriations Act, Pub. L. 100-202,"; by inserting a comma and removing the word "and" after the words "FY 1986"; by adding paragraph (a) after the words "FY 1987" a comma and the words "and FY 1988"; by removing in paragraph (b) the words "during FY 1986 and FY 1987"; and by removing in paragraph (c) the words "in FY 1986 and FY 1987".

[FR Doc. 88-4333 Filed 2-29-88; 8:45 am]

BILLING CODE 3810-01-M

## INTERSTATE COMMERCE COMMISSION

### 49 CFR Part 1001

[Ex Parte No. 55 (Sub-No. 66)]

#### ICC FOIA Predisclosure Notification Procedures For Confidential Commercial Information

**AGENCY:** Interstate Commerce Commission.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This interim rule revises the Commission's Freedom of Information Act (FOIA) regulations by adding predisclosure notification procedures for confidential commercial information, in accordance with Executive Order No. 12,600 (EO) issued on June 23, 1987.

**DATES:** Interim rule effective March 1, 1988. Comments must be received March 31, 1988.

**ADDRESS:** Comments may be mailed or delivered to: Office of the Secretary, Case Control Branch, Room 1324, Interstate Commerce Commission, Washington, DC 20423, Attn: Ex Parte No. 55 (Sub-No. 66)

**FOR FURTHER INFORMATION CONTACT:** S. Arnold Smith (202) 275-7076, [TDD for hearing impaired: (202) 275-1721].

**SUPPLEMENTARY INFORMATION:** These procedures are essentially the same as those set forth as a matter of governmentwide FOIA policy by the Justice Department some years ago and routinely followed by the Commission. We, therefore, find good cause for establishing an interim rule upon which to seek comment.

The EO formally establishes procedures for notifying those who submit confidential commercial information to the government when that information becomes the subject of a FOIA request. It is based upon the principle that submitters are entitled to notification and an opportunity to object to disclosure before an opportunity makes such a determination.

The EO directs the Commission to promulgate specific regulations which afford basic procedural protections to all submitters of confidential commercial information. That term is defined in the EO as "records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm."



The Commission's interim regulations establish procedures by which submitters may designate information as confidential commercial information at the time of submission. Once the Commission receives a FOIA request encompassing such designated information, it will notify the submitter and provide ten work days for any written objections to disclosure. The FOIA requester also will be kept advised.

Should the Commission determine not to sustain a submitter's objection, it will provide the submitter with a written statement explaining its position and an opportunity to initiate a reverse FOIA action to prevent disclosure.

The EO and the interim regulations provide for these notification procedures even in the absence of a submitter's designation whenever there is reason to believe that disclosure could cause substantial competitive harm. But, by the same token, certain exceptions to the basic submitter-notice requirements are recognized, such as: cases of "obviously frivolous" designations; or, when the information in question has already been officially made public; or, when disclosure is required by a law other than the FOIA. An exception also is provided when the Commission determines at the outset that the information should not be disclosed.

This decision will not have a significant impact upon the quality of human environment or conservation of energy resources. Nor will it have a significant effect on a substantial number of small entities.

#### List of Subjects in 49 CFR Part 1001

Freedom of information.

Decided: February 23, 1988.

By the Commission, Chairman Gradison, Vice Chairman Andre, Commissioners Sterrett, Simmons, and Lamboley.  
Noreta R. McGee,  
Secretary.

Title 49 of the Code of Federal Regulations is amended as follows:

#### PART 1001—INSPECTION OF RECORDS

1. The authority citation in Part 1001 is revised to read as follows:

Authority: 5 U.S.C. 552 and 49 U.S.C. 10301 and 10321.

2. Part 1001 is amended by adding a new section as follows:

##### § 1001.5 Predisclosure notification procedures for confidential commercial information.

(a) *In general.* Confidential commercial information provided to the Commission shall not be disclosed

pursuant to a Freedom of Information Act (FOIA) request except in accordance with this section. For such purposes, the following definitions apply:

(1) "Confidential commercial information" means records provided to the government by a submitter that arguably contain material exempt from release under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4), because disclosure could reasonably be expected to cause substantial competitive harm.

(2) "Submitter" means any person or entity who provides confidential commercial information to the government. The term "submitter" includes, but is not limited to, corporations, state governments, and foreign governments.

(b) *Notice to submitters.* The Commission shall provide a submitter with prompt written notice of receipt of a FOIA request encompassing its submissions in accordance with paragraph (c) of this section, and except as provided in paragraph (g) of this section. This notice shall either describe the exact nature of the information requested or provide copies of the records themselves.

(c) *When notice is required.* (1) For confidential commercial information submitted prior to January 1, 1988, the Commission shall provide a submitter with notice of receipt of a FOIA request whenever:

(i) The records are less than 10 years old and the information has been designated by the submitter as confidential commercial information; or

(ii) The Commission has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm.

(2) For confidential commercial information submitted to the Commission on or after January 1, 1988, the Commission shall provide a submitter with notice of receipt of a FOIA request whenever:

(i) The submitter has in good faith designated the information as commercially or financially sensitive information at the time of submission or a reasonable time thereafter. (Whenever possible, the submitter's claim of confidentiality shall be supported by a statement or certification by an officer or authorized representative of the company that the information in question is in fact confidential commercial information and has not been disclosed to the public.) or;

(ii) The Commission has reason to believe that disclosure of the information could reasonably be

expected to cause substantial competitive harm.

(3) Notice of a request for confidential commercial information falling within paragraph (c)(2)(i) of this section shall be required for a period of six years after the date of submission.

(d) *Opportunity to object to disclosure.* (1) Through the notice described in paragraph (b) of this section, the Commission shall afford a submitter ten work days in which to provide it with a detailed statement of any objection to disclosure. Such statement shall specify all grounds for withholding the requested information.

(2) When notice is given to a submitter under this section, the Commission also shall notify the requester that it has been provided.

(e) *Notice of intent to disclose.* The Commission shall consider carefully submitter's objections and specific grounds for nondisclosure prior to its determination whether or not to disclose the requested information. Whenever the Commission decides to disclose the information over a submitter's objection, it shall provide the submitter with written notice containing the following:

(1) A description or copy of the information to be disclosed;

(2) The reasons why the submitter's disclosure objections were not sustained; and

(3) A specific disclosure date, which shall not be less than ten work days after the notice of intent to disclose has been mailed to the submitter.

At the same time that notice of intent to disclose is given to a submitter, the Commission shall notify the requester accordingly.

(f) *Notice of lawsuit.* (1) Whenever a FOIA requester brings legal action seeking to compel disclosure of confidential commercial information, the Commission shall promptly notify the submitter.

(2) Whenever a submitter brings legal action seeking to prevent disclosure of confidential commercial information, the Commission shall promptly notify the requester.

(g) *Exception to notice requirement.* The notice requirements of this section shall not apply if:

(1) The Commission determines that the information requested should not be disclosed; or

(2) The information already has been published or otherwise officially made available to the public; or

(3) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(4) Disclosure is required by a Commission rule that—



(i) Was adopted pursuant to notice and public comment;

(ii) Specifies narrow classes or records submitted to the Commission that are to be released; and

(iii) Provides in exceptional circumstances for notice when the submitter provides written justification, at the time the information is submitted or a reasonable time thereafter, that disclosure of the information could

reasonably be expected to cause substantial competitive harm; or

(5) The information requested is not designated by the submitter as exempt from disclosure, when the submitter had an opportunity to do so at the time of submission or within a reasonable time thereafter, unless the Commission has reason to believe that disclosure of the information could reasonably be expected to cause substantial competitive harm; or

(6) The designation made by the submitter in accordance with these regulations appears obviously frivolous; in such case, the Commission must provide the submitter only with written notice of any administrative disclosure determination within ten work days prior to the specified disclosure date.

[FR Doc. 88-4356 Filed 2-29-88; 8:45 am]

BILLING CODE 7035-01-M



# Proposed Rules

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 1106

#### Milk in the Southwest Plains Marketing Area; Proposed Suspension of Certain Provisions of the Order

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed suspension of rules.

**SUMMARY:** This notice invites written comments on a proposal for the months of February through August 1988 that would suspend the shipping standards for supply plants under the Southwest Plains order and the monthly requirement that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants. The action was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that represents producers who supply milk for the market. Mid-Am contends that the action is necessary to assure the efficient disposition of an increasing supply of milk by producers who have historically supplied the market's fluid milk requirements.

**DATE:** Comments are due on or before March 8, 1988.

**ADDRESS:** Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

**FOR FURTHER INFORMATION CONTACT:** John F. Borovics, Marketing Specialist, USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, (202) 447-2089.

**SUPPLEMENTARY INFORMATION:** The Regulatory Flexibility Act (5 U.S.C. 601-602) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a

significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers and would tend to ensure that dairy farmers supplying the market's fluid needs would continue to have their milk priced under the order and thereby receive the benefits that accrue from such pricing. This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under the criteria contained therein.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the suspension of the following provisions of the order regulating the handling of milk in the Southwest Plains marketing area is being considered for the months of February through August 1988:

1. In § 1106.6, the words "during the month".
2. In § 1106.7(b)(1), the words "until any month of such period in which less than 20 percent of the milk received or diverted as previously specified, is shipped to plants described in paragraph (a) of this section. A plant not meeting such 20 percent requirement in any month of such February-August period shall be qualified in any remaining month of such period only if transfers and diversions pursuant to paragraph (b)(2) of this section to plants described in paragraph (a) of the section are not less than 50 percent of receipts or diversions, as previously specified. A plant that was a pool supply plant under the Neosho Valley, Wichita, Red River Valley or Oklahoma Metropolitan orders (or any combination thereof) during the months of September through December 1982 shall qualify as a pool plant in each of the months of February through August 1983 until any month of such period in which the plant fails to meet the 20 percent shipping requirement."
3. In § 1106.13, paragraph (d)(1) in its entirety.

All persons who want to send written data, views or arguments about the proposed suspension should send two copies of them to USDA/AMS/Dairy Division, Order Formulation Branch, Room 2968, South Building, P. O. Box 96456, Washington, DC 20090-6456, by the 7th day after publication of this

notice in the **Federal Register**. The period for filing comments is limited to 7 days because a longer period would not provide the time needed to complete the required procedures and include February in the suspension period.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

#### Statement of Consideration

The proposal for February through August 1988 would suspend the shipping standards for supply plants and the monthly requirement that a dairy farmer's milk be received at a pool plant in order to be eligible for diversion to nonpool plants. The order defines a supply plant as a plant from which fluid milk products are transferred or diverted to distributing plants during the month. It further provides that a supply plant that was pooled under the order during each of the immediately preceding months of September through January shall continue to be pooled during the following months of February through August if 20 percent of its receipts are shipped to distributing plants. The order also provides that a dairy farmer's milk may be diverted to nonpool plants and still be priced under the order if at least one day's production of such person is physically received at a pool plant during the month.

The suspension was requested by Mid-America Dairymen, Inc. (Mid-Am), a cooperative association that supplies a substantial proportion of the milk for the market. Mid-Am contends that the action is needed because the market's milk production has increased dramatically since the termination of the whole-herd buyout program. Mid-Am contends that ample supplies of direct-ship milk, which are produced near the market's distributing plants, are available to supply the milk needs of such plants during the months of February-August this year. Thus, Mid-Am contends that supplemental shipments from supply plants will not be needed during such months and that no purpose would be served by requiring supply plants to make shipments or the milk of distant dairy farmers to be delivered to pool plants. The cooperative claims that the milk of producers can be marketed more economically during this seven-month period by supplying the needs of



distributing plants with direct-ship milk of producers located near such plants and by moving the milk of distant producers directly from the farm to manufacturing plants situated in the procurement area.

Mid-Am contends that a suspension of these requirements is needed to give market suppliers additional flexibility to efficiently handle the increasing milk produced by dairy farmers. If the requirements are not suspended, Mid-Am claims that costly and inefficient movements of milk would have to be made to assure the continued pooling of milk by dairy farmers who historically have been supplying the market's fluid needs.

#### List of Subjects in 7 CFR Part 1106

Milk marketing orders, Milk, Dairy products.

The authority citation for 7 CFR Part 1106 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Signed at Washington, DC, on: February 25, 1988.

J. Patrick Boyle,

Administrator, Agricultural Marketing Service.

[FR Doc. 88-4396 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-02-M

## NUCLEAR REGULATORY COMMISSION

### 10 CFR Part 50

[Docket No. PRM-50-48]

#### University of Missouri; Filing of Petition for Rulemaking

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of receipt of petition for rulemaking.

**SUMMARY:** The Nuclear Regulatory Commission is publishing for public comment this notice of receipt of a petition for rulemaking. The petition, filed by the University of Missouri and dated November 19, 1987, was docketed by the Commission on November 25, 1987, and assigned Docket No. PRM-50-48. The petitioner requests that the Commission adopt a regulation that would add a definition for the term "research reactor" and redefine the term "testing facility" based on the function of the facility instead of its power level. **DATE:** Submit comments by May 2, 1988. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

**ADDRESSES:** Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

For a copy of the petition write: Division of Rules and Records, Office of Administration and Resources Management, MNBB-4000, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Inspect and copy the petition or comments received on the petition at the NRC Public Document Room, 1717 H Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** David L. Meyer, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration and Resources Management, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: (301) 392-7086 or Toll Free (800) 368-5642.

#### SUPPLEMENTARY INFORMATION:

##### Grounds for the Petition

The petitioner states that the current definition of "testing facility" in 10 CFR Part 50 results in excessive and unnecessary routine regulatory requirements being applied to research reactors which is contrary to the intent of Congress in the Atomic Energy Act of 1954. The petitioner also proposes to add a new definition in 10 CFR Part 50 for "research reactor" to be consistent with the definition used by the American Nuclear Society and American National Standard Institute (ANSI).

##### Petitioner's Proposal

1. Define "research reactor" in 10 CFR 50.2 as follows:

"Research reactor" means a nuclear reactor which is of a type described in § 50.21(c) of this part and for which an application has been filed for a license authorizing operation for research, developmental, educational, training, or experimental purposes, and which may have provisions for the production of non-fissile radioisotopes.

2. Redefine "testing facility" in 10 CFR 50.2 as follows (proposed change in italics):

"Testing facility" means a nuclear reactor which is of a type described in § 50.21(c) of this part *to be used for testing reactor components and designs at reduced or uncertain safety margins, and for which an application has been filed for a license authorizing operation at:*

- (1) A thermal power level in excess of 10 megawatts; or
- (2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:

- (i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or
- (ii) A liquid fuel loading; or
- (iii) An experimental facility in the core in excess of 16 square inches in cross-section.

3. Redefine "testing reactor" in 10 CFR 140.3(k) as follows (proposed change in italics):

"Testing reactor" means a nuclear reactor which is of a type described in § 50.21(c) of this chapter *to be used for testing reactor components and designs at reduced or uncertain safety margins, and for which an application has been filed for a license authorizing operation at:*

- (1) A thermal power level in excess of 10 megawatts; or
  - (2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:
- (i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or
  - (ii) A liquid fuel loading; or
  - (iii) An experimental facility in the core in excess of 16 square inches in cross-section.

4. Redefine "research reactor" in 10 CFR 170.3(h) as follows (proposed change in italics):

"Research reactor" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter *for research, developmental, educational, training, or experimental purposes, and which may have provisions for the production of non-fissile radioisotopes.*

5. Redefine "testing facility" in 10 CFR 170.3(m) as follows (proposed changes in italics):

"Testing facility" means a nuclear reactor licensed by the Commission under the authority of subsection 104c of the Act and pursuant to the provisions of § 50.21(c) of this chapter *to be used for testing reactor components and designs at reduced or uncertain safety margins, and for operation at:*

- (1) A thermal power level in excess of 10 megawatts; or
  - (2) A thermal power level in excess of 1 megawatt, if the reactor is to contain:
- (i) A circulating loop through the core in which the applicant proposes to conduct fuel experiments; or
  - (ii) A liquid fuel loading; or
  - (iii) An experimental facility in the core in excess of 16 square inches in cross-section.

##### Petitioner's Interest

This petition is being submitted by the University of Missouri, holder of Facility License R-103 for operation of the



University of Missouri Research Reactor (MURR). MURR currently operates as a research reactor at a maximum power level of 10 MW. The petitioner states that plans are being developed to upgrade the power to approximately 30 MW and that the upgrade will make MURR an even more efficient and effective research tool, but it will not change the purpose of the facility.

The petitioner is concerned that current Federal regulations would cause MURR to be designated as a testing facility instead of a research reactor as a result of the power level exceeding 10 MW. The petitioner states that this designation would place unnecessary and burdensome regulatory requirements (many of which have been developed for large power reactors) on MURR.

The petitioner states that the purpose of this petition is to establish a balanced regulatory program for MURR and future large research reactors to ensure the public health and safety without inhibiting the conduct of vital research in the areas of medical research, radioisotope production, materials research, neutron activation analysis, radiation effects, and others. The petitioner points out that diagnosis and treatment of cancer and development of improved magnetic and superconductive materials are two examples of important areas of research that will be better served by more powerful research reactors.

#### Statement in Support

The petitioner asserts that the current definition of "testing facility" is arbitrary as the current definition was issued as part of a rule change in 1960 and the only explanation provided was that the definition was an implementation of the Atomic Energy Act, sections 182b and 189a. The petitioner also asserts that the Commission's regulations, as well as sections 182b and 189a of the Atomic Energy Act, provide no justification for the designation of a power level that distinguishes a research reactor (up to and including 10 MW) from a test reactor (above 10 MW).

The petitioner states further that a review of the Commission's files (1954-1961) on Part 50 indicates the Atomic Energy Commission (AEC) staff conferred with the Advisory Committee of Reactor Safeguards (ACRS) to develop the definition and that this definition was provided to the Joint Committee on Atomic Energy (JCAE). The petitioner asserts that no explanation was offered by the AEC or the JCAE for the 10 MW distinction between research and test reactors.

The petitioner further asserts that there is no evidence of a rationale for what seems to be an arbitrary power level of 10 MW used to define "testing facility." The petitioner states the Congress, in using the term testing facility in the Atomic Energy Act, intended that reactors would be used to test concepts and components in the early development of nuclear power technology. The petitioner believes the term connotes a facility that is pushing the limits of reactor technology and that may be performing work with lower or not well-defined safety margins.

The petitioner believes the definition has become anachronistic when applied to reactors whose purpose is to produce neutrons for research and development, as distinguished from performing a testing function. The petitioner believes retention of the current definition may raise undue concerns by the public and imposes unnecessary burdens and costs in the regulation of research reactors.

#### Conclusion

The petitioner states that a research reactor that now is in the category of a "testing facility," e.g. a 10.1 MW research reactor, currently comes under many provisions of the Code of Federal Regulations that pertain to large commercial power plants. The petitioner contends that by imposing these requirements on research and development facilities, the current Code of Federal Regulations is actually contrary to the intent of the Congress. The petitioner points out that Section 104c of the Atomic Energy Act stipulates the Commission's obligation to impose only the minimum amount of regulation for research and development activities.

The petitioner believes that to implement the intent of Congress, the redefinition of a research reactor based on function instead of power level and consequent relegation to a reasonable level of routine regulatory scrutiny is proper and appropriate. The petitioner states that this petition does not reduce the authority or responsibility of the Commission to ensure the health and safety of the public. The petitioner believes that unique research reactors can still be subjected to the necessary degree of scrutiny as determined by the Commission.

Dated at Washington, DC, this 25th day of February 1988.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 88-4407 Filed 2-29-88; 8:45 am]

BILLING CODE 7590-01-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 88-ANM-4]

#### Proposed Amendment of Transition Area Holyoke, CO

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This notice proposes to amend the Holyoke, Colorado, transition area. Additional 1,200 foot area is needed to encompass the procedure turn for an instrument approach procedure to the Holyoke Airport.

**DATES:** Comments must be received on or before April 13, 1988.

**ADDRESS:** Send comments on the proposal to: Manager, Airspace & System Management Branch, ANM-530, Federal Aviation Administration, Docket No. 88-ANM-4, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

The official docket may be examined in the Office of Regional Counsel at the same address.

An informal docket may also be examined during normal business hours at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Ted Melland, ANM-536, Federal Aviation Administration, Docket No. 88-ANM-4, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168, Telephone: (206) 431-2536.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 88-ANM-4". The postcard will be date/time stamped and returned to the



commenter. All communications received before the specified closing date for comments will be considered before taking any action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace & System Management Branch, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular 11-2 which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to provide additional controlled airspace for aircraft executing a new approach procedure to Holyoke Airport. This area will be depicted on aeronautical charts enabling pilots operating in visual flight rules conditions to circumnavigate the area and avoid conflicting with aircraft on approach.

Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6C dated January 2, 1987.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition areas.

#### The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; E.O. 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.181 [Amended]

2. Section 71.181 is amended as follows:

#### Holyoke, Colorado [Amended]

On the sixth line after "Heginbotham NDB", change the period to a semicolon and add the following: " \* \* \* and that airspace extending upward from 1,200 feet above the surface bounded by V80 on the north, V8 on the south, and by the Colorado-Nebraska State boundary on the east."

Issued in Seattle, Washington, on February 4, 1988.

Temple H. Johnson, Jr.,

Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 88-4291 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 88-ACE-01]

#### Proposed Cancellation of Control Zone—Russell, KS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to cancel the control zone at Russell, Kansas. This action was requested by the Airport Manager since the Flight Service Station at Russell, Kansas, is scheduled to be closed July 2, 1988.

DATE: Comments must be received on or before April 2, 1988.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Manager, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Missouri.

An informal docket may be examined at the Office of the Manager, Traffic Management and Airspace Branch, Air Traffic Division.

#### FOR FURTHER INFORMATION CONTACT:

Dale Carnine, Airspace Specialist, Traffic Management and Airspace Branch, Air Traffic Division, ACE-540, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-3408.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Traffic Management and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Missouri 64106. All communications received on or before the closing date for comments will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

#### Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Traffic Management and Airspace Branch, 601 East 12th Street, Kansas City, Missouri 64106, or by calling (816) 374-3408.

Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2A which describes the application procedure.

#### Discussion

The FAA is considering an amendment to § 71.171 of the Federal Aviation Regulations (14 CFR Part 71) to cancel the control zone at Russell, Kansas. Since the Russell, Kansas, Flight Service Station is scheduled to be closed July 2, 1988, the Airport Manager at Russell, Kansas, has requested that the control zone be cancelled. Section 71.171 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6D, dated January 4, 1988.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and



routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Control zones.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration (FAA) proposes to amend Part 71 of the FAR (14 CFR Part 71) as follows:

#### PART 71—[AMENDED]

1. The authority citation for Part 71 continues to read as follows:

**Authority:** 49 U.S.C. 1348(a), 1354(a), 1510; EO 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

#### § 71.171 [Amended]

2. By amending § 71.171 as follows:

#### The Russell Control Zone. [Removed]

Issued in Kansas City, Missouri, on February 17, 1988.

James Snow,

*Act. Assistant Manager, Air Traffic Division.*

[FR Doc. 88-4289 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### 14 CFR Part 71

[Airspace Docket No. 87-AWP-34]

#### Proposed Revision to the Parker, AZ Transition Area; Correction

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Correction to notice of proposed rulemaking.

**SUMMARY:** An error was noted in the Notice of Proposed Rulemaking (NPRM) that was published in the Federal Register on January 14, 1988, (53FR 908) (Airspace Docket No. 87-AWP-34). The Parker transition area was noted as being in the state of Arizona. It is actually located in the state of California. This action corrects that error.

**FOR FURTHER INFORMATION CONTACT:** Frank Torikai, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration (FAA), 15000 Aviation Boulevard, Lawndale, California 90261, telephone (213) 297-1648.

#### SUPPLEMENTARY INFORMATION:

##### History

Federal Register document (88-369), published on January 14, 1988, proposed to revise the Parker, Arizona, transition area. An error was discovered in the location (state) of this transition area and this action corrects that error.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Aviation safety, Transition area.

#### Adoption of the Correction

Accordingly, pursuant to the authority delegated to me, FR Doc. 88-369, as published in the Federal Register on January 14, 1988 (53 FR 908), is corrected as follows:

#### § 71.181 [Corrected]

Remove "Parker, AZ" wherever it appears and substitute "Parker, CA."

Issued in Los Angeles, California, on February 16, 1988.

Jacqueline L. Smith,

*Manager, Air Traffic Division Western-Pacific Region.*

[FR Doc. 88-4290 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-13-M

#### DEPARTMENT OF LABOR

#### Mine Safety and Health Administration

#### 30 CFR Part 75

#### Safety Standards for Underground Coal Mine Ventilation; Correction

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule; correction.

**SUMMARY:** This notice corrects omissions in the proposed rule for underground coal mine ventilation, which appeared in the Federal Register on January 27, 1988 (53 FR 2382).

**FOR FURTHER INFORMATION CONTACT:** Patricia W. Silvey, Director, Office of Standards, Regulations, and Variances, MSHA, phone (703) 235-1910.

**SUPPLEMENTARY INFORMATION:** On January 27, 1988, the Mine Safety and Health Administration (MSHA) published a proposed rule to revise its underground coal mine ventilation standards in Title 30 of the Code of Federal Regulations (53 FR 2382). This document corrects the following omissions in proposed § 75.351 of that document:

#### § 75.35 [Corrected]

1. Paragraph (f) in the first column on page 2419 which reads, "When an AMS is used in accordance with this section, it shall monitor circuit continuity and sensor function, and shall give a signal to the designated surface location when—" is revised to read as follows:

(f) When an AMS is used in accordance with this section, it shall monitor circuit continuity and sensor function, and shall give a signal to the designated surface location when—

(1) Any deficiency exists in the system;

(2) The methane concentration at any methane monitoring station exceeds the maximum allowable concentration as specified in § 75.323 of this part or the ventilation plan;

(3) The carbon monoxide concentration at any carbon monoxide monitoring station reaches 10 ppm above the established ambient level for that area; and

(4) The oxygen concentration at any oxygen monitoring station falls below 19.5 percent.

2. Paragraph (g) is added to the first column of page 2419 to read as follows:

(g)(1) A person designated by the operator shall be at a surface location where the signals can be seen or heard at all times while any person is underground. This person shall have access to two-way communication with persons on working sections.

(2) If a signal is activated, the monitor producing the signal shall be identified, an examination shall be made to determine the cause of its activation, and appropriate action shall be taken.

3. Paragraph (h) is added to the first column of page 2419 to read as follows:

(h) When the carbon monoxide concentration at any monitoring station



reaches 15 ppm above the established ambient level for that area—

- (1) Alarms shall be activated; and
- (2) The mine evacuation plan shall be implemented for all persons, except those persons required to determine the cause of the activation and to take corrective action.

Dated: February 19, 1988.

David C. O'Neil,

Deputy Assistant Secretary for Mine Safety and Health.

[FR Doc. 88-4388 Filed 2-29-88; 8:45 am]

BILLING CODE 4510-43-M

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MM Docket No. 88-40, RM-6035]

#### Radio Broadcasting Services; Jacksonville, NC

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Marine Broadcasting Corporation, licensee of Station WXQR, Channel 288A, Jacksonville, North Carolina, proposing the allotment of Channel 262C1 to Jacksonville, North Carolina. Marine further requests that its license for Station WXQR on Channel 288A be modified to specify Channel 222C2, which was allocated in MM Docket 84-231. Channel 262C1 can be allocated to Jacksonville in compliance with the Commission's minimum distance separation requirements with a site restriction of 42.3 kilometers (26.3 miles) east to avoid a short-spacing to Station WOJY, Channel 262, High Point, North Carolina; to Station WVBS-FM, Channel 260C1, Burgaw, North Carolina; and to the proposed allocation of Channel 261C2 to Edenton, North Carolina (52 FR 31044, August 19, 1987). In addition, the allocation of Channel 262C1 is contingent upon the licensing of Station WTEB at New Bern, North Carolina, on Channel 207C1, as specified in its outstanding construction permit. Final action on this proposal will be delayed until a license is issued.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Ronald D. Maines, Gordon &

Healy, Chartered, 1821 Jefferson Place NW., Washington, DC 20036 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-40, adopted January 14, 1987, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-4310 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

### 47 CFR Part 73

[MM Docket No. 88-64, RM-6184]

#### Radio Broadcasting Services; Bolivar and Ava, MO

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by KYOO Broadcasting Company, proposing the substitution of FM Channel 290C2 for Channel 292A at Bolivar, Missouri, and modification of its license for Station KYOO-FM to specify operation on Channel 290C2. There is a site restriction 20.9 kilometers (13 miles)

northeast of the community. The coordinates for Channel 290C2 at Bolivar, Missouri, are 37-42-33; 93-12-19. To accommodate the proposed upgrade at Bolivar, an additional channel substitution would be necessary. Channel 222A must be substituted for Channel 290A at Ava, Missouri. The channel was allocated to Ava in MM Docket 84-231 and made available for application in Window No. 30. The one applicant for Channel 290A, Corum Industries, Inc., has indicated its willingness to substitute channels, as Channel 222A will work at its selected site.

**DATES:** Comments must be filed on or before April 15, 1988, and reply comments on or before May 2, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: KYOO Broadcasting Company, Mr. Melvin Pulley, 304 E. Jackson, Bolivar, Missouri 65613.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-64, adopted January 29, 1988, and released February 23, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.



Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules  
Division, Mass Media Bureau.

[FR Doc. 88-4318 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 88-41, RM-6144]

#### Radio Broadcasting Services; McArthur, OH

AGENCY: Federal Communications  
Commission.

ACTION: Proposed rule.

**SUMMARY:** This document requests comments on a petition filed by Hometown Broadcasting of McArthur, Inc. to allocate Channel 254A to McArthur, Ohio, as the community's first local FM service. Channel 254A can be allocated to McArthur in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. Canadian concurrence in the allotment is required since McArthur is located within 320 kilometers of the U.S.-Canadian border.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John H. Midlen, Jr., John H. Midlen, Jr., Chartered, 1050 Wisconsin Avenue NW., Washington, DC 20007-3633 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-41, adopted January 14, 1988, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed

Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules  
Division, Mass Media Bureau.

[FR Doc. 88-4316 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 88-39, RM-6151]

#### Radio Broadcasting Services; Okmulgee and Stillwater, OK

AGENCY: Federal Communications  
Commission.

ACTION: Proposed rule.

**SUMMARY:** This document requests comments on a petition jointly filed by Brewer Communications, Inc., licensee of Station KOKL-FM, Channel 232A, Okmulgee, Oklahoma, and Stillwater Publishing Company, Inc., licensee of Station KSPI-FM, Channel 230C2, Stillwater, Oklahoma, proposing the substitution of Channel 231C2 for Channel 232A at Okmulgee and the substitution of Channel 229C2 for Channel 230C at Stillwater. Channel 231C2 can be allocated to Okmulgee in compliance with the Commission's minimum distance separation requirements with a site restriction of 27.5 kilometers northwest to accommodate Brewer's desired site. Channel 229C2 can be allocated to Stillwater in compliance with the Commission's minimum distance separation requirements and can be used at the site specified in Station KSPI-FM's outstanding construction permit. In accordance with § 1.420(g) of the Commission's Rules, we shall not accept competing expressions of interest in use of the higher powered channel at Okmulgee nor require Brewer to demonstrate the availability of an additional equivalent channel. The provisions of § 1.420 do not apply to the substitution of channels at Stillwater since no upgrade in facilities is proposed.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Eugene T. Smith, Esq., 715 G Street SE., Washington, DC 20003 (Counsel to petitioners).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-39, adopted January 14, 1988, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules  
Division, Mass Media Bureau.

[FR Doc. 88-4309 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 88-42, RM-6139]

#### Radio Broadcasting Services; Coos Bay, OR

AGENCY: Federal Communications  
Commission.

ACTION: Proposed rule.



**SUMMARY:** The Commission requests comments on a petition by KMTR, Inc. seeking the allocation of Channel 23 to Coos Bay, Oregon, as the community's first local television service. KMTR states that it intends to apply for the channel, if allocated, and operate the station as a satellite of its Station KMTR-TV in Eugene, Oregon. In order to avoid a conflict with the temporary freeze on the filing of petitions for new allotments within 175 miles of Portland, Oregon (see *Order*, 52 FR 28346, July 29, 1987), we are proposing to allocate Channel 23+ to Coos Bay with a site restriction of 13.3 kilometers (8.3 miles) south.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John Crigler, Esq., Haley, Bader & Potts, 2000 M Street NW., Suite 600, Washington, DC 20036 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-42, adopted January 14, 1988, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-4315 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 88-43, RM-6119]

#### Radio Broadcasting Services; La Grande, OR

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Grande Radio, Inc. proposing the substitution of Channel 254C2 for Channel 252A at La Grande, Oregon, and the modification of its license for Station KKUC(FM) to specify the higher powered channel. Channel 254C2 can be allocated to La Grande in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. We note that petitioner's proposed site 12.5 kilometers (7.8 miles) north also complies with the spacing requirements. In accordance with § 1.420(g) of the Commission's Rules, competing expressions of interest in use of the higher powered channel at La Grande will not be accepted and petitioner will not be required to demonstrate the availability of an additional equivalent channel for use by such interested parties.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert G. Allen, McCabe & Allen, 8803 Sudley Road, P.O. Box 2126, Manassas, Virginia 22110 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-43, adopted January 14, 1988, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text of this decision may also

be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration of court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Mark N. Lipp,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-4317 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

#### 47 CFR Part 73

[MM Docket No. 88-44, RM-6083]

#### Television Broadcasting Services; Goldfield, NV

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition by Sarks Tarzian, Inc., licensee of Station KTVN, Reno, Nevada, proposing the substitution of VHF Channel 7- for unoccupied and unapplied for VHF Channel 2 at Goldfield, Nevada. Sarks Tarzian seeks the substitution so as to eliminate a shortspacing to its pending application to relocate Station KTVN's transmitter site to McClellan Peak. Channel 7- can be allocated to Goldfield in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction.

**DATES:** Comments must be filed on or before April 18, 1988, and reply comments on or before May 3, 1988.

**ADDRESS:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Robert B. Jacobi, Esq., Cohn



& Marks, 1333 New Hampshire Avenue NW., Washington, DC 20036 (Counsel to petitioner).

**FOR FURTHER INFORMATION CONTACT:** Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 88-44, adopted January 14, 1988, and released February 24, 1988. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The

complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1231 for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

**Mark N. Lipp,**

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 88-4308 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M



# Notices

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

### Committee on Governmental Processes; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92-463), notice is hereby given of a meeting of the Committee on Governmental Processes of the Administrative Conference of the United States, to be held at 3:00 p.m. on Monday, March 14, 1988, at the office of Covington and Burling, 1201 Pennsylvania Avenue, NW., Washington, DC (11th floor conference room).

The committee will meet to discuss a draft report on contractual indemnification of government contractors. This subject is currently under study by Professor Frank P. Grad of Columbia University School of Law. (For background, see 53 FR 3766, February 9, 1988.) The Committee will also discuss a study by Professor Henry H. Perritt, Jr., of Villanova University School of Law, on computer-aided transmission and handling of regulatory documents.

For further information concerning this meeting, contact David Pritzker, Office of the Chairman, Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, DC (Telephone: 202-254-7065.)

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request.

February 25, 1988.

Jeffrey S. Lubbers,  
Research Director.

[FR Doc. 88-4383 Filed 2-29-88; 8:45 am]

BILLING CODE 6110-01-M

## DEPARTMENT OF AGRICULTURE

### Federal Grain Inspection Service

#### Designation Renewal of the Gibson City (IL) and Indianapolis (IN) Agencies and the State of Wyoming (WY)

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice announces the designation renewal of Donald Swanson, doing business as Gibson City Grain Inspection Department (Gibson City), Indianapolis Grain Inspection & Weighing Service, Inc. (Indianapolis), and Wyoming Department of Agriculture (Wyoming), as official agencies responsible for providing official services under the U.S. Grain Standards Act, as Amended (Act).

**EFFECTIVE DATE:** April 1, 1988.

**ADDRESS:** James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647, South Building, P.O. Box 96454, Washington, DC 20090-6454.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

The Service announced that Gibson City's, Indianapolis', and Wyoming's designations terminate on March 31, 1988, and requested applications for official agency designation to provide official services within specified geographic areas in the October 1, 1987, *Federal Register* (52 FR 36808). Applications were to be postmarked by November 2, 1987. Gibson City, Indianapolis, and Wyoming were the only applicants for designation in their

geographic area and each applied for designation renewal in the entire area currently assigned to that agency.

The Service announced the applicant names in the December 7, 1987, *Federal Register* (52 FR 46384) and requested comments on the designation renewal of Gibson City, Indianapolis, and Wyoming. Comments were to be postmarked by January 19, 1988; none were received.

The Service evaluated all available information regarding the designation criteria in section 7(f)(1)(A) of the Act; and, in accordance with section 7(f)(1)(B), determined that Gibson City, Indianapolis, and Wyoming are able to provide official services in the geographic area for which the Service is renewing their designation. Effective April 1, 1988, and terminating March 31, 1991, Gibson City, Indianapolis, and Wyoming will provide official inspection services in their entire specified geographic area, previously described in the October 1 *Federal Register*.

Interested persons may obtain official services by contacting the agencies at the following addresses: Gibson City at 207 East 8th Street, Gibson City, IL 60936; Indianapolis at 4804 East Michigan Street, Indianapolis, IN 46201; and Wyoming at 2219 Carey Avenue, Cheyenne, WY 82001-0010.

(Pub. L. 94-582, 90 Stat. 2867, as amended [7 U.S.C. 71 *et seq.*])

Dated: February 22, 1988.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 88-4272 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-EN-M

#### Request for Comments on Designation Applicants in the Geographic Area Currently Assigned to the Sioux City (IA) and Tischer (IA) Agencies

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** This notice requests comments from interested parties on the applicants for official agency designation in the geographic area currently assigned to Sioux City Inspection and Weighing Agency, Inc. (Sioux City), and A. V. Tischer and Son, Inc. (Tischer).



**DATE:** Comments to be postmarked on or before April 15, 1988.

**ADDRESS:** Comments must be submitted in writing to Lewis Lebakken, Jr., Information Resources Staff, PGIS, USDA, Room 1661 South Building, P.O. Box 96454, Washington, DC 20090-6454.

*Telemail* users may respond to [IRSTAFF/FGIS/USDA] telemail.

*Telex* users may respond as follows:  
To: Lewis Lebakken, TLX:7607351,  
ANS:FGIS UC.

All comments received will be made available for public inspection at the above address located at 1400 Independence Avenue SW., during regular business hours (7 CFR 1.27(b)).

**FOR FURTHER INFORMATION CONTACT:** Lewis Lebakken, Jr., telephone (202) 382-1738.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Department Regulation do not apply to this action.

The Service requested applications for official agency designation to provide official services within specified geographic areas in the December 31, 1987, *Federal Register* (52 FR 49460). Applications were to be postmarked by January 29, 1988. Sioux City and Tischer were the only applicants for designation in their geographic area and each applied for designation renewal in the entire area currently assigned to that agency.

This notice provides interested persons the opportunity to present their comments concerning the designation of the applicants. Commenters are encouraged to submit reasons for support or objection to this designation action and include pertinent data to support their views and comments. All comments must be submitted to the Information Resources Staff, Resources Management Division, at the above address.

Comments and other available information will be considered in making a final decision. Notice of the final decision will be published in the *Federal Register*, and the applicants will be informed of the decision in writing.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: February 22, 1988.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 88-4273 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-EN-M

# Request for Designation Applicants To Provide Official Services in the Geographic Area Currently Assigned to the Denver (CO) and East Indiana (IN) Agencies and the State of Kansas (KS)

**AGENCY:** Federal Grain Inspection Service (Service), USDA.

**ACTION:** Notice.

**SUMMARY:** Pursuant to the provisions of the U.S. Grain Standards Act, as amended (Act), official agency designations shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act. This notice announces that the designation of three agencies will terminate, in accordance with the Act, and requests applications from parties interested in being designated as the official agency to provide official services in the geographic area currently assigned to the specified agencies. The official agencies are Hutchings, Inc., doing business as Denver Grain Inspection (Denver), East Indiana Grain Inspection, Inc. (East Indiana), and Kansas State Grain Inspection Department (Kansas).

**DATE:** Applications to be postmarked on or before March 31, 1988.

**ADDRESS:** Applications must be submitted to James R. Conrad, Chief, Review Branch, Compliance Division, FGIS, USDA, Room 1647 South Building, P.O. Box 96454, Washington, DC 20090-6454. All applications received will be made available for public inspection at this address located at 1400 Independence Avenue SW., during regular business hours.

**FOR FURTHER INFORMATION CONTACT:** James R. Conrad, telephone (202) 447-8525.

**SUPPLEMENTARY INFORMATION:** This action has been reviewed and determined not to be a rule or regulation as defined in Executive Order 12291 and Departmental Regulation 1512-1; therefore, the Executive Order and Departmental Regulation do not apply to this action.

Section 7(f)(1) of the Act specifies that the Administrator of the Service is authorized, upon application by any qualified agency or person, to designate such agency or person to provide official services after a determination is made that the applicant is better able than any other applicant to provide official services in an assigned geographic area.

Denver, located at 1621 Brighton Boulevard, Commerce City, CO 80022; East Indiana, located at 2016 Enterprise Avenue, Muncie, IN 47304; and Kansas, located at 700 Jackson—Suite 800,

Jayhawk Towers, Topeka, KS 66601-1918, were each designated under the Act as an official agency to provide inspection functions on September 1, 1985.

Each official agency's designation terminates on August 31, 1988. Section 7(g)(1) of the Act states that designations of official agencies shall terminate not later than triennially and may be renewed according to the criteria and procedures prescribed in the Act.

The geographic area presently assigned to Denver, in the States of Colorado, Nebraska, and Wyoming, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

*In Colorado:* The entire State.

*In Nebraska:* Bounded on the North by the northern Scotts Bluff County line; the northern Morrill County line east to Highway 385;

Bounded on the East by Highway 385 south to the northern Cheyenne County line; the northern and eastern Cheyenne County line; the northern and eastern Deuel County lines;

Bounded on the South by the southern Deuel, Cheyenne, and Kimball County lines; and

Bounded on the West by the western Kimball, Banner, and Scotts Bluff County lines.

*In Wyoming:* Goshen and Platte Counties.

The following locations, outside of the above contiguous geographic area, are part of this geographic area assignment: Albin Elevator, Albin; Farmers Coop, Burns; Carpenter Elevator, Carpenter; Pillsbury Company, Egbert; and Pine Bluffs Feed and Grain, Pine Bluffs, all in Laramie County, Wyoming (located inside Wyoming Department of Agriculture's area).

Exceptions to Denver's assigned geographic area are the following locations inside Denver's area which have been and will continue to be serviced by the following official agency:

Hastings Grain Inspection, Inc.; Farmers Coop, and Big Springs Elevator, both in Big Springs, Deuel County, Nebraska.

The geographic area presently assigned to East Indiana, in the States of Indiana and Ohio, pursuant to Section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation is as follows:

*In Indiana:* Bounded on the North by the northern Lagrange and Steuben County lines;

Bounded on the East by the eastern Steuben, De Kalb, Allen, Adams, Jay,



Randolph, Wayne, and Union County lines;

Bounded on the South by the southern Union and Fayette County lines; the eastern Rush County line south to State Route 244; State Route 244 west to the Rush County line; and

Bounded on the West by the western Rush and Henry County lines; the southern Madison County line west to State Route 13; State Route 13 north to State Route 132; State Route 132 northwest to Madison County; the western and northern Madison County lines; the northern Delaware County line; the western Blackford County line north to State Route 18; State Route 18 west to County Highway 900E; County Highway 900E north to Huntington County; the southern Huntington and Wabash County lines; the western Wabash County line north to State Route 114; State Route 114 northwest to State Route 19; State Route 19 north to Kosciusko County; the western and northern Kosciusko County lines; the western Noble and Lagrange County lines.

*In Ohio:* Darke and Williams Counties.

The following location, outside of the above contiguous geographic area, is part of this geographic area assignment: Payne Cooperative Association, Payne, Paulding County, Ohio (located inside Lima Grain Inspection Service, Inc.'s area).

The geographic area presently assigned to Kansas, pursuant to section 7(f)(2) of the Act, which may be assigned to the applicant selected for designation, is the entire State of Kansas.

Interested parties, including Denver, East Indiana, and Kansas, are hereby given opportunity to apply for official agency designation to provide the official services in each geographic area, as specified above, under the provisions of section 7(f) of the Act and § 800.196(d) of the regulations issued thereunder. Designation in each specified geographic area is for the period beginning September 1, 1988, and ending August 31, 1991. Parties wishing to apply for designation should contact the Review Branch, Compliance Division, at the address listed above for forms and information.

Application and other available information will be considered in determining which applicant will be designated to provide official services in a geographic area.

(Pub. L. 94-582, 90 Stat. 2867, as amended (7 U.S.C. 71 *et seq.*))

Date: February 22, 1988.

J.T. Abshier,

Director, Compliance Division.

[FR Doc. 88-4274 Filed 2-29-88; 8:45 am]

BILLING CODE 3410-EN-M

## COMMISSION ON CIVIL RIGHTS

### Hearing on Indian Civil Rights Issues

Notice is hereby given pursuant to the provisions of the United States Commission on Civil Rights Act of 1983, Pub. L. 98-183, 97 Stat. 1304, that a public hearing before a Subcommittee of the U.S. Commission on Civil Rights will be held on March 31, 1988, beginning at 9:00 a.m. and continuing on such succeeding days as may be deemed appropriate at the discretion of the Chairman, at the Portland Marriott Hotel, 1401 SW Front Avenue, Portland, Oregon 97201.

The purpose of the hearing is to receive evidence about enforcement of the Indian Civil Rights Act.

The Commission is an independent, bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal Government, and to study and collect information concerning legal developments, with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, handicap, or national origin, or in the administration of justice.

Dated at Washington, DC, February 25, 1988.

Clarence M. Pendleton, Jr.,  
Chairman.

[FR Doc. 88-4300 Filed 2-29-88; 8:45 am]

BILLING CODE 6335-01-M

## DEPARTMENT OF COMMERCE

### Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration

Title: Outlay Report and Request for Reimbursement for Construction Programs

Form Number: Agency—ED-113; OMB—0610-0076

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 200 respondents; 1,400 reporting hours

Needs and Uses: This report is used by grantees to summarize expenditures made and Federal funds unexpended for each award, report status of Federal cash advanced, and to request advances and reimbursement as outlined in OMB Circular A-102.

Affected Public: State of local governments and non-profit institutions

Frequency: At certain stages of construction

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: John Griffen, 395-7340

Copies of the above information collection proposal can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to John Griffen, OMB Desk Officer, Room 3228, New Executive Office Building, Washington, DC 20503.

Dated: February 25, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-4399 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-CW-M

### Agency Forms Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposals for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Economic Development Administration

Title: Application for Technical Assistance and Research Awards from Governmental Applicants  
Form Number: Agency—ED-357A; OMB—0610-0018

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 50 respondents; 150 reporting hours

Needs and Uses: This application provides information and assurances necessary for the award of technical assistance and research grants and cooperative agreements.

Affected Public: State or local governments



Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: John Griffen, 395-7340

Agency: Economic Development Administration

Title: Application for Technical Assistance and Research Awards from Non-Governmental Applicants  
Form Number: Agency—ED-357NG; OMB—0610-0024

Type of Request: Extension of the expiration date of a currently approved collection

Burden: 77 respondents; 231 reporting hours

Needs and Uses: This application provides information and assurances necessary for the award of technical assistance and research grants and cooperative agreements.

Affected Public: Individuals or households, businesses or other for-profit institutions, non-profit institutions, and small businesses or organizations

Frequency: On occasion

Respondent's Obligation: Required to obtain or retain a benefit

OMB Desk Officer: John Griffen, 395-7340

Copies of the above information collection proposals can be obtained by calling or writing DOC Clearance Officer, Edward Michals, (202) 377-3271, Department of Commerce, Room H6622, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collections should be sent to John Griffen, OMB Desk Officer, Room 3228 New Executive Office Building, Washington, DC 20503.

Dated: February 25, 1988.

Edward Michals,

Departmental Clearance Officer, Office of Management and Organization.

[FR Doc. 88-4400 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-CW-M

## International Trade Administration

### Materials Technical Advisory Committee; Notice of Partially Closed Meeting

A meeting of the Materials Technical Advisory Committee will be held March 17, 1988 at 9:30 a.m., Herbert C. Hoover Building, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to materials or technology.

Agenda: General Session.

1. Opening Remarks by the Chairman & Commerce Representative.

2. Introduction of Members and Visitors.

3. Presentation of Papers or Comments by the Public.

4. Report on New Committee Members.

5. Election of Chairman.

6. Superconductors

a. Ceramics.

b. Metals.

7. Subjects for Future Meetings.

Executive Session:

8. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on May 13, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone 202-377-4217. For further information or copies of the minutes call Ruth D. Fitts, 202-377-4959.

Date: February 24, 1988.

Betty A. Ferrell,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 88-4342 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-DT-M

## Minority Business Development Agency

### Business Development Center Program Applications; Chicago, IL

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

**SUMMARY:** The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3-year period, subject to available funds. The cost of performance for the first twelve (12) months is estimated at \$416,941 for the project performance of September 1, 1988 to August 31, 1989. The MBDC will operate in the Chicago Standard Metropolitan Statistical Area (SMSA). The first year cost for the MBDC will consist of \$354,400 in Federal funds and a minimum of \$62,541 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services). The award number will be 05-10-88006-01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: Coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a 3-year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as a MBDC's satisfactory performance, the availability of funds, and Agency priorities.



**Closing Date:** The closing date for applications is April 4, 1988. Applications must be postmarked on or before April 4, 1988.

**ADDRESS:** Chicago Regional Office, Minority Business Development Agency, 55 East Monroe Street, Suite 1440, Chicago, Illinois 60603, 312/353-0182.

**FOR FURTHER INFORMATION CONTACT:** David Vega, Regional Director, Chicago Regional Office.

**SUPPLEMENTARY INFORMATION:** Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

11,800 Minority Business Development (Catalog of Federal Domestic Assistance) David Vega,

Regional Director, Chicago Regional Office.

Date: February 22, 1988.

[FR Doc. 88-4346 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-21-M

## National Oceanic and Atmospheric Administration

### Announcement of Research Opportunities in the National Estuarine Reserve Research System for Fiscal Year 1989

**AGENCY:** Office of Ocean and Coastal Resource Management (OCRM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** In accordance with Department of Commerce Administrative Order (DAO) 203-26, applications for Fiscal Year 1989 Research in the National Estuarine Reserve Research System are being solicited. This notice describes funding priorities, selection criteria, and other relevant application criteria. All proposals received in response to this announcement must follow the guidelines provided in this announcement.

**DUE DATE:** All proposals must be postmarked no later than April 1, 1988.

**ADDRESS:** Marine and Estuarine Management Division, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235, ATTN: FY89 NERRS Research.

**FOR FURTHER INFORMATION CONTACT:** Mr. Herbert Kaufman, Deputy Chief, Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, NOS/NOAA, 1825

Connecticut Avenue, NW., Suite 714, Washington, DC 20235; 202/673-5126.

#### SUPPLEMENTARY INFORMATION:

##### I. Authority and Background

Section 315 of the Coastal Zone Management Act of 1972, 16 U.S.C. 1461, establishes the National Estuarine Reserve Research System (formerly known as the National Estuarine Sanctuary Program) to provide financial assistance awards on a fifty-fifty matching to states to acquire, to develop and operate estuarine areas as natural field laboratories. These areas are to be used primarily for long-term scientific and educational programs that will provide information essential to coastal management decisionmaking.

In an effort to stimulate high quality research within designated reserves, the National Oceanic and Atmospheric Administration (NOAA), Office of Ocean and Coastal Resource Management (OCRM), Marine and Estuarine Management Division (MEMD) provides limited financial support, on a competitive basis, for research in national estuarine research reserves having approved final management plans. Research funds are provided pursuant to the National Estuarine Sanctuary Program Regulations (15 CFR Part 921).

##### II. Information on Established National Estuarine Research Reserves

Seventeen national estuarine research reserves have been established:

Weeks Bay, Alabama  
Elkhorn Slough, California  
Tijuana River, California  
Apalachicola River, Florida  
Rookery Bay, Florida  
Sapelo Island, Georgia  
Waimanu Stream, Hawaii  
Wells, Maine  
Monie Bay (Chesapeake Bay), Maryland  
Waquoit Bay, Massachusetts  
Hudson River, New York  
North Carolina System, North Carolina  
Old Woman Creek, Ohio  
South Slough, Oregon  
Jobos Bay, Puerto Rico  
Narragansett Bay, Rhode Island  
Padilla Bay, Washington

These reserves are depicted in Figure 1; on-site reserve contacts and addresses are provided in Appendix I.

The National Estuarine Reserve Research System (NERRS) consists of carefully selected estuarine areas of the United States which are designated, preserved, and managed for research as well as educational purposes. The reserves are chosen to reflect regional differences and to include a variety of types in accordance with the

classification scheme of the national program as presented in 15 CFR 921 (49 FR 125:26502-26520).

The uniqueness of each NERRS site lies in their suitability for supporting a wide range of beneficial uses of ecological, economic, recreational, and aesthetic value which are dependent upon maintenance of a healthy ecosystem. Each site provides critical habitat for a wide range of ecologically and commercially important species of fish, shellfish, birds, and aquatic and terrestrial wildlife. However, these varied activities occurring both within and outside the reserves have caused varying levels of impacts that threaten the health and survival of natural resources. On the national level, these impacts have been classified into five major environmental problem areas: toxic contamination, eutrophication, pathogen contamination, habitat loss and alteration, and changes in living resources.

Each reserve has been designed to be large enough and protected well enough to ensure its effectiveness as a conservation unit and as a site for long-term research. Since all of the reserves are part of a national system, they collectively provide a unique opportunity to address research questions and estuarine management issues of national significance.

##### III. Availability of Funds

Funds are available on a competitive basis to any state or university, or qualified public or private individual to conduct research within national estuarine research reserves.

Level funding for FY 89 research projects is expected. The approximate range of funding per successful project has been between \$10,000 and \$40,000. Federal funds requested must be matched on an equal basis by cash or the value of goods and services directly benefitting the project in accordance with OMB Circulars A-102, "Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments", A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State, Local and Federally Recognized Indian Tribal Governments", and A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations." It is anticipated that projects receiving funding under this announcement would begin in the spring of 1989. Research funds are normally awarded through a research grant. Applicants not familiar with the requirements of a research grant or who need additional



information on application requirements are encouraged to contact the applicable reserve manager or MEMD. After final ranking and selection of proposals by MEMD, a Standard Form 424 must be submitted to MEMD by the Principal Investigator(s) for formal processing of the grant.

#### IV. Purpose and Priorities

Research funds are primarily used to support management-related research that will enhance scientific understanding of reserve environments, provide information needed by reserve managers and coastal zone decisionmakers, and improve public awareness of estuaries and estuarine management issues. Research projects may be oriented to specific reserves; however, projects that would benefit more than one reserve in the national system are encouraged.

Research proposals submitted in response to this announcement should address coastal management issues identified as having regional or national significance, relate them to the National Research Priorities described in this announcement, and indicate the appropriate reserve. Research projects are normally one year in duration. Priority funding consideration will be given to proposals that address the broad categories listed below:

##### A. National Research Priorities

Although large data sets exist for many of the fundamental processes of estuaries, there are significant gaps in the information needed to understand the complex functions of most estuaries. To address this issue, some of the Nation's most capable estuarine researchers gathered in 1984 for the first in a series of national estuarine symposia. Based on the most current developments in scientific protocol, the researchers recommended research directions to enhance our understanding of estuarine processes and functions. This assessment of problematic needs resulted in five categories of research directions: water management, sediment management, nutrients and other chemical inputs, coupling of primary and secondary productivity, and fishery habitat requirements. These research topics have been identified as being a priority to all coastal areas of the United States, including Alaska, Hawaii, the Great Lakes States, Puerto Rico, Guam and American Samoa.

##### 1. Water Management

Armstrong (1984) defines water management as using "whatever means possible to provide water for beneficial uses." The uses and users of water are

many and varied, leading to one of the most important problems currently facing the Nation: allocation of freshwater resources. The increase in the consumptive use of water by municipal, commercial, industrial, agricultural, and recreational activities competes strongly with the availability of water to bays and estuaries. Changing land use practices near estuaries and their upstream tributaries affect the quantity, quality, and timing of freshwater inflow. Since estuaries, by definition, involve the inflow and mixing of fresh and salt water, these variances may cause significant changes to estuarine productivity. Thus, the relationship between freshwater inflow and estuarine productivity poses a prime research question (Copeland, 1984). However, determining these inflows also depends on our ability to understand how they govern the salinity regime, provide nutrients, couple primary and secondary productivity, and sustain habitats (Armstrong, 1984). Thus, to answer questions regarding water management, i.e., the allocation of freshwater to estuaries, the following topics are considered to be priority research issues:

- (a) Determining the basis to establish the amounts of inflow needed to estuaries and the reliability of freshwater inflow estimates;
- (b) Establishing the functional relationship between nutrient inflows to the estuary with freshwater inflows and primary and/or secondary productivity;
- (c) Determining the quantitative relationship between freshwater inflow and fisheries production in specific estuaries and regional groups of estuaries;
- (d) Delineating the factors that control the response and recovery of estuarine biological systems to large changes in water input;
- (e) Establishing the role of coastal upwelling in determining estuarine productivity; and
- (f) Preparing nutrient budgets on estuarine systems to clearly elucidate the roles of freshwater inflows, marshes, benthic systems, coastal waters, precipitation, and other sources, and to delineate the importance of each source in providing nutrients and recycling them.

##### 2. Sediment Management

Schubel (1984) states, "Sediment, particularly fine-grained sediment, has had and continues to have, significant impacts on estuarine productivity." Estuarine productivity is basically affected by the amount and quality of the sediments entering the estuary (Copeland, 1984). However, these

processes are immensely affected by human activities in the watersheds of estuaries. In addition, long time periods (up to decades and centuries) are required for the movement of sediments into estuaries from drainage basins of major rivers. Though the sediments may originate from external, internal, or marginal sources, external sediments along rivers are most influenced by human activities. However, the effective management of estuarine sediment problems are limited to two ends of the sedimentation process—at the source and at the sink (Schubel, 1984). Thus, the effective management of sediments may depend upon: (1) Reducing sediment inputs through drainage basins through proper soil conservation practices; (2) reducing contaminant input through proper source control; and (3) developing and implementing management strategies for sediment deposited in the estuary. On the other hand, estuary size as well as estuarine processes are varied. Fine sediments may not always be the most pressing problem in smaller estuaries, such as those found along the West Coast. Sand deposits along coastal sand bars and accumulation of materials from the watershed significantly affect many of these smaller systems (Zedler and Magdych, 1984). In addition, sediment input may not necessarily be harmful to any given estuary as sediment delivery plays an important role in the biological productivity of estuaries (Peterson, 1984).

The major impediment to research in this area is the impractical and infeasible nature of critical experiments on the relationship between ecosystems and major changes in their environment. For instance, it is impractical and infeasible to manipulate tidal flushing, flooding, and large-substrates and maintain a control system for comparison. Thus, most of the work conducted to date has been "before-and-after" studies of major events (Copeland, 1984).

It is therefore apparent that rational biological criteria must be used to assess the relative merits of alternative sediment management schemes. However, information gaps must be filled before the criteria can be developed. Priority research topics include:

- (a) Detailed studies of sediment dynamics to include the effects of sedimentation on flushing and sedimentation rates, accumulation rates and changes in sediment composition between points of entry and accumulation, the joint impacts of reduced freshwater inflow and sediment



delivery, the impacts of sediment delivery rates, and shallow water sedimentation processes;

(b) The testing and development of biological models that predict the impacts of sedimentation;

(c) Characterization of the processes that control absorption and desorption of contaminants and other dissolved substances;

(d) Assessing the impacts of sedimentation on benthic and mobile fauna;

(e) Determining the relationship of sediment to habitat types;

(f) Identifying the optimal balance between the long-term negative impacts of estuarine filling and the short-term positive stimulation of estuarine productivity; and

(g) Examining the resilience and recovery rates of ecosystems after large-scale sedimentation events.

### 3. Nutrients and Other Chemical Inputs

With most of the human population of the United States living around estuaries and other coastal areas, estuaries are experiencing increasing nutrient problems. It has been projected that by 1990, 75 percent of the United States' population will live within 50 miles of our Nation's coasts, including those of the Great Lakes (Nixon, 1984). There has also been an exponential increase in the use of inorganic fertilizers during the last 100 years, contributing to increased nutrient loads. Coupling this with the conversion of wetlands to urban and agricultural use overloads the estuary's ability to act as a nutrient sink and increases nutrient levels. As a result, scientists have assumed that the amounts of organic and inorganic nitrogen and phosphorus carried by streams and rivers into estuaries have also increased markedly. However, as Nixon (1984) point out, the "\*\*\*\* lack of adequate long-term data makes it difficult to know if this is true or to make a quantitative assessment of the increase loading over time \*\*\*\*" It is also noted that nutrients will continue to be a major human-related input to estuaries and coastal waters because of the great costs involved in removing inputs, recycling, and production is not well understood.

Little is known about how marine ecosystems respond to nutrient additions because most knowledge of the effects of nutrient additions to the marine ecosystem is based on laboratory studies of algal cultures or on short-term experiments involving nutrient additions to plankton communities (Copeland, 1984). However, another concern relates to the effects of chemical inputs into estuaries and

coastal areas. Estimates suggest that 70,000 synthetic chemicals are currently in commercial use, with 1000 new ones synthesized annually (Malins, et al., 1984). Eventually, many of these chemicals enter estuaries and other environments, thereby altering those ecosystems. However, the effects of these inputs on the estuarine environment, from the benthic environment to fish and water quality, are not well understood, although evidence indicates that urban-associated estuaries may contain thousands of anthropogenic chemicals that may cause serious, pollutant-related pathological conditions (Malins, et al., 1984). Also, there is little known about the interactions of fertilizers and pesticides in agriculture.

The estuarine-like areas of the Great Lakes are also an important link to the fisheries, as they serve as nursery areas for numerous commercially important species and their prey. They also serve as a trap for many pollutants that could adversely impact the Lakes' ecosystems. All Five of the Great Lakes are among the fifteen largest lakes in the world and possess approximately 95% of the surface freshwater in the United States, making the allocation of freshwater and the enhancement of water quality as issues of special importance to this area of the U.S.

In other words, environmental managers presently base their management strategies on mostly provisional data. It is thus important to develop "\*\*\*\* focused and integrated multidisciplinary research programs \*\*\*\*" (Nixon, 1984). In addressing management issues related to nutrients and chemical inputs, priority research may focus on:

(a) Testing the responses of estuarine ecosystems to combinations of nutrient inputs and recycling by developing ecosystem-level experiments involving microcosms, mesocosms, and field manipulations;

(b) Examining the fate of synthetic chemicals in estuaries through the chemical analysis of sediments; the performance of tissue-chemical, gross pathological and histological analyses; evaluation of community structures; conducting controlled laboratory and *in situ* field studies to identify chemicals responsible for field-observed and other toxic effects and determine their relationships; and developing research protocols to understand the long-term effects of exotic materials on estuarine ecosystems.

### 4. Coupling of Primary and Secondary Productivity

Estuarine ecosystems are characterized by high levels of primary and secondary production (Teal, 1962; Marinucci, 1982; Odum, 1984), although their theoretical relationship to each other is generally unknown. While there is a theoretical relationship between the two, the documentation and relative importance and ecological efficiencies of the pathways remains unresolved (Odum, 1984). Thus, broadly defined, this coupling includes nearly all food web interactions (Peters and Lewis, 1984).

Food chains in estuarine ecosystems are quantitatively and qualitatively connected. However, a clear understanding of the relationship between the quantity of biomass at one producer level and the quantity and quality of biomass at the next level is lacking. The concept of trophic structures in estuarine ecosystems is more of a food web than a food chain. In addition, the food web trophic structure found in estuaries is generally abbreviated compared to the longer food chains of the ocean and open waters of the Great Lakes. Understanding the fundamental aspects of this issue is difficult because of the likelihood that a change in one trophic level impacts other portions of the ecosystem by altering the directions or size of energy flow from one component to another.

The lack of documentation on the importance and ecological efficiencies of individual pathways leads to a fundamental management question revolving around the protection or improvement of secondary production by managing primary production (Copeland, 1984). With this concept in mind, many of the most important questions relating to estuarine productivity may revolve around the comparative importance of vascular plant detritus and algae to estuarine trophic structures (Odum, 1984). Related topics are the degree to which coastal fisheries organisms utilize detritus as an energy source and the impact of removing large tracts of detritus-producing areas such as swamps, marshes, and seagrass beds.

Thus, the most important research need in this area is the development of a quantitative relationship between primary and secondary production in estuaries. This requires a multidisciplinary approach to delineate the various food chains and relationships that exist in estuarine ecosystems. Thus, to address the information needs of estuarine



managers and scientists, priority research topics should examine:

- (a) The comparative trophic importance of vascular plant versus plankton organic matter;
- (b) The degree to which coastal fishery organisms utilize detritus as an energy source; and
- (c) The impact of removing large tracts of detritus-producing salt marshes and seagrass beds. These may be accomplished through:
  - (1) The use of multiple isotopes and other techniques to indirectly identify sources of organic carbon for primary consumers in estuaries;
  - (2) Studies to determine the chemical composition and nutritional status of detritus complexes of different age and particle size;
  - (3) Laboratory feeding experiments to detail the utilization of vascular plant detritus by consumers;
  - (4) Growth and ecological efficiency studies in large tanks or small ponds to investigate consumer diets;
  - (5) Controlled field experiments in ponds to determine the feasibility of detritus aquaculture;
  - (6) Well-planned "before and after" investigation on the local impact of marsh, mangrove, or seagrass removal on fisheries; and
  - (7) Field investigations and laboratory experiments to investigate the potential and realized importance of hypothetical reduced-sulfur food webs.

#### 5. Estuarine Fishery Habitat Requirements

Many studies have documented the value of estuaries as nursery areas for many commercially and recreationally important fish and shellfish species (for example: McHugh, 1967; Tyler, 1971; Bayly, 1975; Pollard, 1981; Deegan and Day, 1984). However, some estuaries support larger fish populations than others. Three major reasons often proposed for estuarine habitat utilization by fish are: (1) Food availability; (2) protection from predators; and (3) a benign abiotic environment (Joseph, 1973). But understanding the role of estuarine habitat and quantitative differences in fisheries production is difficult. Current evidence points to the importance of shallow inshore estuarine areas to fisheries production (Deegan and Day, 1984). In addition, marshes, seagrass beds, and nearshore shallow areas are particularly important fish habitat areas. Yet, major questions related to the specifics of the relationships between habitat and fish production are largely unanswered.

In order to formulate effective management programs, the most

important questions revolve around the relationship between estuarine fish production and the quantity and quality of nursery areas in terms of food availability and subsequent growth mortality. A clear understanding of this would be useful for evaluation, design, and mitigation of activities affecting estuaries. To answer the question of why some estuaries are more productive than others, estuarine scientists need to address questions regarding habitat selection, species migration, species residence time, food quality and quantity, and the effects of environmental variations on survival, growth, and fish and shellfish movement. Some specific research topics that need to be addressed include:

- (a) Delineation of the characteristics of a good nursery;
- (b) Fishery yield per acre of salt marsh and species-specific relationships;
- (c) Relationships and mechanisms between fish catch and river discharge, wetland/water ratios, and primary production;
- (d) The roles of various sources of primary production and variance of these sources between estuaries;
- (e) The effects of differing primary production sources on fish production;
- (f) The relative contribution of different habitat to total stock;
- (g) Flow requirements for critical life stages;
- (h) Hydrodynamic influences on distribution, abundance, and survival of fishery species;
- (i) Contaminant impacts on estuarine fields; and
- (j) Food as a limiting factor to estuarine fish populations.

#### B. Guidelines for Proposal Preparation

Applicants for MEMD research funds must follow the guidelines presented herein when preparing proposals for research in national estuarine research reserves. Business managers and grants administrators should also refer to OMB Circulars A-102, "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments", A-87, "Principles for Determining Costs Applicable to Grants and Contracts with State, Local and Federally Recognized Indian Tribal Governments", and A-110, "Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations."

##### (1). Proposal Content

(a) *Cover Sheet.* The applicant should use a cover sheet similar to that shown in Appendix II. The title and abstract of

the proposed research project should be brief, informative, and in language that can be understood by the general public.

Specification of a proposed starting date does not ensure receiving an award by that date. Therefore, work on a project should not begin before the effective date on the official notification of the award from MEMD.

A proposal must be signed and dated by the organizational official authorized to contractually obligate the submitting organization. The principal investigator is also signatory.

(b) *Table of Contents, Lists of Figures and Tables.* These should list the major contents of the proposal and the appropriate page numbers.

(c) *Project Summary.* A 2-3 page project summary must be included. The summary should state the research objectives, scientific methods to be used, the significance of the project to a particular reserve and to the National Estuarine Reserve Research System and the national research priorities, and the amount of funds requested. The summary should include enough information to facilitate an initial review and screening of the project by NOAA. The summary should also be suitable for use in the public press.

(d) *Project Description.* The main body of the proposal should be concise, detailed, and include the following components:

(1) *Introduction.* This section should introduce the reviewer to the national estuarine research reserve environment, the research setting, the relevant coastal management issue(s), the relevant national research priority, the research problem, and the need for the work. This section should include a brief historical narrative leading up to the proposed research, and describe the research problem in the context of significant previous work in the area and in relation to management issues discussed in the reserve management plan or in the research solicitation. Include a brief description of current literature and cite appropriate published and unpublished documents.

(2) *Hypotheses.* Based on review and analysis of existing literature and consultations with reserve personnel and scientists knowledgeable of the subject research, hypotheses should be stated which can be tested experimentally or through observational research in the reserve.

(3) *Objectives.* This section should discuss the overall study objectives, the specific research objectives, and the relationship of research project objectives to site-specific and national



estuarine research reserve program objectives.

(4) **Methods.** This section should state the method(s) to be used to test the hypotheses and accomplish the specific research objectives including a systematic discussion of what, when, where, and how the data are to be collected, analyzed, and reported on. Field and laboratory methods should be statistically valid and repeatable. Methods should be well documented and described in sufficient detail to enable other scientists to evaluate their appropriateness and their possible impact on the environment. Justify the methods chosen and compare them with other methods employed for similar work.

Methods should allow the testing of the hypotheses, but also provide baseline data that may be used in answering related ecological and management questions concerning the sanctuary environment. Measurements should be simple and reliable enough to allow comparison with those made at different sites and times by different investigators. If the project is to be long-term (e.g., a monitoring program), the methods selected must be stable enough that it is unlikely they will change drastically over the next 5-10 years. The methods must have proven their utility and sensitivity as indicators of natural or human-induced change. Newly devised or unproven methods should be field-tested to evaluate their soundness and likely success before applying for MEMD research funds.

Analytical methods and statistical tests applied to the data should be documented, thus providing a rationale for choosing one set of methods over other alternative. Quality control measures also should be documented (e.g., statistical confidence levels, standards of reference, performance requirements, internal evaluation criteria). Indicate by way of discussion how data are to be synthesized, interpreted and integrated into final work products, and how and where the data are to be catalogued and stored for ready retrieval at later dates.

A map clearly showing the study location and any other features of interest must be included. Use a U.S. Geological Survey topographic map, or an equivalent, in constructing the location map for the proposal.

(5) **Project Significance.** In this section, discuss how the proposed research effort will enhance or contribute to improving the state of knowledge of the estuary and assist reserve management decisionmaking. Where applicable, this section must show the relation of the proposed

research to state and national estuarine and coastal resource management issues. If research findings may be applicable to other sites in the National Estuarine Reserve Research System, this should be given special mention.

(6) **Milestone Schedule.** A milestone schedule is required in the proposal. This schedule should show, opposite tasks required to accomplish project objectives, the anticipated dates for completing field work and data collection, data analysis, progress reports, the draft report, the final report, and other related activities.

(7) **Personnel and Project Management.** Give a complete description of how the project will be managed, including the name and expertise of the principal investigator and the name(s), expertise, and task assignments of team members. Evidence of ability to perform should be supported by reference to similar efforts performed. Resumes listing qualifications related to professional and technical personnel should be provided. In an appendix, list each investigator's publications during the past five (5) years. The proposal should discuss and explain any portion of work expected to be subcontracted and identify probable sources.

(8) **References.** Provide complete references for current literature, research, and other appropriate published and unpublished documents cited in the text of the proposal.

(9) **Budget.** The applicant may request funds under any of the categories listed below as long as the costs are reasonable and necessary to perform research and are determined to be in accordance with the previously mentioned OMB Circulars A-102, A-87, and A-110. The amount of Federal funds requested must be matched on at least an equal basis by cash or the value of goods and services, except land, directly benefitting the research project. General guidelines for the non-Federal share are contained in OMB Circular A-102.

The budget should contain itemized costs with appropriate narratives justifying proposed expenditures. Budget categories may be broken down as follows, clearly showing both Federal and non-Federal shares:

—**Salaries and Wages.** Salaries and wages of the principal investigator and other members of the project team constitute direct costs in proportion to the effort devoted to the project. The number of full-time person months or days and the rate of pay (hourly, monthly, or annually) should be indicated. Salaries requested must be consistent with the

institution's regular practices. The submitting organization may request that salary data remain confidential information.

—**Fringe Benefits.** Fringe benefits (i.e., social security, insurance, retirement) may be treated as direct costs as long as this is consistent with the institution's regular practices.

—**Equipment.** While not the primary purpose of these funds, research funds may be approved for the purchase of major equipment only if the following conditions are met: (a) a lease vs. purchase analysis had been conducted and the findings determine that purchase is the most economical method of procurement; (b) there is a demonstrated need for the equipment to support reserve-sponsored research after the termination of the research award under which the equipment was purchased; and there are adequate facilities and provisions for housing, storing, protecting, and maintaining the equipment on location at the reserve after the termination of the research award.

Discuss each of these points along with the purpose of the equipment and a justification for its use. Provide a list of equipment to be purchased, leased, or rented by model number and manufacturer, where known. Equipment acquired costing \$300 or more with a life expectancy of 2 years or more becomes the property of the Marine and Estuarine Management Division at the termination of the contract.

—**Travel.** The type, extent, and estimated cost of travel should be explained and justified in relation to the proposed research. Travel expense is limited to round trip travel to field research locations and should not exceed 40 percent of total direct costs. Funds may be requested for transportation and subsistence, and for consultant's travel. Travel to conferences will not be approved.

—**Other Direct Costs.** Other anticipated costs should be itemized under the following categories: (a) **Materials and Supplies.** The budget should indicate in general terms the types of expendable materials and supplies required and their estimated costs; (b) **Research Vessel or Aircraft Rental.** Include purpose, unit cost, duration or use, and justification; (c) **Laboratory Space Rental.** Funds may be requested for use of laboratory space at research establishments away from the granted institution while conducting studies specifically related to the proposed effort; (d) **Telecommunication Services and Reproduction Costs.** Include expenses



associated with telephone calls, telex, xeroxing, reprint charges, film duplication, etc.; (e) *Consultant Services and Subcontracts*. Consultant services should be disclosed and justified in the proposal. Furnish information on consultant's expertise, primary organizational affiliation, daily compensation rate, and number of days of service. Travel should be listed under the travel budget; (f) *Computer Services*. The cost of computer services may be requested and must be justified, including data analyses and storage, word processing for report preparation and computer-based retrieval of scientific and technical information.

—*Indirect Costs*. Include fees and overhead costs based on the approved Federal formula.

(10) *Requests for Reserve Support Services*. On-site reserve personnel sometimes can provide limited logistical support for research projects in the form of manpower, equipment, supplies, etc. Any request for reserve support services should be approved by the reserve manager prior to proposal submission and included as part of the proposal package in the form of written correspondence.

(11) *Coordination with Other Research in Progress or Proposed*. MEMD encourages collaboration and cost-sharing with other investigators to enhance scientific capabilities and avoid unnecessary duplication of effort. Proposals should include a description of how the proposed effort will be coordinated with other research projects that are in progress or proposed, if applicable.

(12) *Other Sources of Financial Support*. List all current or pending research to which the principal investigator or other key personnel have committed their time during the period of the proposed work, regardless of the source of support. Indicate the level of effort or percentage of time devoted to these projects.

In addition to the required non-federal match, MEMD encourages investigators to seek other sources of financial support to supplement Federal funds. If the proposal submitted to MEMD is being submitted to other possible sponsors, list them and describe the extent of support being sought. Disclosure of this information will not jeopardize chances for Federal funding.

(13) *Permits*. The applicant must apply for any applicable state or Federal permits. Attach a copy of the permit application and supporting documentation to the proposal as an appendix. MEMD must receive

notification of the approval of the permit application before funding can be approved.

#### (2) Submission of Proposals

Proposals for research in the National Estuarine Reserve Research System are solicited annually for award the following fiscal year. Proposal due dates and other pertinent information are contained in the announcement of research opportunities. A list of the appropriate reserve and MEMD contact persons is attached to the research announcement. All proposals sent to MEMD must cite and reference the Federal Register notice in which the announcement appeared.

#### (3) Proposed Review and Evaluation

Proposals received by MEMD are acknowledged, forwarded to the appropriate reserve manager, and sent out for national peer review. All proposals are thoroughly reviewed by the appropriate MEMD project manager, research coordinator, Deputy Chief, Chief, reserve managers and their research advisory committees, and by usually 3-10 other individuals who are acknowledged experts in the particular field represented by the proposal. Proposers are invited to suggest the names of individuals who, in their opinion, are especially well qualified to evaluate the proposal objectively. When a grant is awarded, verbatim copies of the reviews, excluding the names of reviewers, are mailed, upon request, to the Principal Investigator/Project Director.

In order to provide for the fair and equitable selection of the most meritorious research projects for support, MEMD has established criteria for their review and evaluation. These criteria are intended to be applied to all research proposals in a balanced and judicious manner, in accordance with the objectives and content of each proposal. The criteria used in the peer review process to aid MEMD in its final selection of research projects are listed below, together with the elements that constitute each criterion and the relative weight (in parenthesis):

(a) *Scientific Merit* (3.0). This is used to determine whether the objectives of the proposal or of the observations is important to the field and to assess the likelihood that research will improve the scientific understanding of estuarine processes within the reserve as well as in other similar estuaries.

(b) *Importance to Reserve Management and to Regional Coastal Management Issues* (2.0). This is used to determine its importance to management of the reserve (does its

address management issues relevant to the site and the region?) and its suitability for addressing coastal management issues of regional and/or national importance.

(c) *Relevance to National Research Priorities* (2.0). This criterion is used to assess the relationship between the objectives of the proposed project and the National Research Priorities established by NOAA.

(d) *Technical Approach* (3.0). This is used to assess the technical feasibility of the proposed effort, the reasonableness of the hypotheses, the degree to which the proposed timeline is realistic, the appropriateness and scientific validity of the proposed analytical methods, and the degree to which the proposal demonstrates an understanding of the reserve environment and management needs, the current state of knowledge in the particular field of research interest, and the total research requirements.

(e) *Qualifications of P.I. and Key Personnel* (2.0). This criterion relates to the experience and past performance of the principal investigator and key personnel, their familiarity with the geographic area of the proposed study, and their publication record.

(f) *Institutional Support and Capabilities* (1.0). This relates to the extent of institutional support for and commitment to the proposed research and what facilities, equipment, and other resources are available to the principal investigator and key personnel for use in accomplishing the proposed work. Because of the 50% matching requirement, this is an especially important consideration.

(g) *Budget* (1.0). This criterion is used to determine whether the budget is realistic and reasonable for accomplishing the proposed tasks.

#### (4) Reporting Requirements

Awards for research are usually made during the second quarter of the fiscal year. Quarterly performance reports, a draft technical report, and a final technical report are required as conditions of the award.

Performance reports should contain a summary of all work performed during the preceding quarter and show the overall progress against the milestone schedule in the approved proposal. A statement of the milestones reached, data compiled, and analyses completed is included. In addition, a summary of any significant technical, manpower, schedule, or cost problems encountered during the preceding quarter, an assessment of their probable impact on the project's approved milestone



schedule, and a statement of any corrective action taken or proposed is also required. Also required is a summary of major work activities scheduled for the next quarter and any questions or problems regarding the applicant's work that requires discussion with or resolution by MEMD.

The draft and final technical reports are required to be prepared following MEMD's "Guidelines for Preparing Technical Reports on Research in National Estuarine Research Reserves" which is appended to the award, but is also available upon request.

#### (5) Further Information

For further information on research opportunities under the National Estuarine Reserve Research System, contact the on-site personnel listed in this text or the Marine and Estuarine Management Division, Office of Ocean and Coastal Resource Management, 1825 Connecticut Avenue, NW., Suite 714, Washington, DC 20235 (202) 673-5126.

#### C. General Requirements

Grants for Federal financial assistance are subject to certain general requirements, such as compliance with the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other laws and regulations prohibiting discrimination; patent and copyright requirements; cost sharing; the use of U.S. flag carriers for international travel; and the use of foreign currency as appropriate to accomplish the objectives of a project.

#### D. Adherence to Original Objectives

The Principal Investigator should feel free to pursue important leads that may arise during the conduct of the project. MEMD support will not be jeopardized if the Principal Investigator discontinues or materially modifies the originally planned line of inquiry in favor of one that appears to have more promise. MEMD must, however, give prior approval when a modification would result in a major deviation from the original objective(s) or project scope, including activities specifically excluded from support when the award was made.

#### E. Adherence to Original Budget Estimates

The grant award includes or refers to a budget that lists the items for which funds are provided. While the Principal Investigator has reasonable flexibility to alter direction of the project when changes seem advantageous, the grantee organization must consider the effect of any budget reallocations on the indirect

cost portions of the budget, and must observe the conditions prescribed by the award. Any change in the budget that will affect the match portion of the award must be approved in writing by MEMD. When any budget change requires MEMD approval, two copies of the request, signed by the Principal Investigator and by the grantee organization's authorized official, should be sent to the assigned MEMD Contracting Officer's Technical Representative. The request should clearly state which budget items are to be changed and by what amounts and should explain the reasons for the change.

#### F. Changes in Personnel

Written MEMD approval is required for any permanent change in Principal Investigator(s) or project director(s) or for any temporary change in excess of three (3) months, such as an investigator taking sabbatical leave. Further, MEMD must be informed when it appears that the Principal Investigator will devote substantially more or less effort to the work than anticipated in the approved proposal. Written prior approval is also required for any change in senior personnel specifically named in the proposal and for the addition of senior personnel not named in the proposal.

#### G. Transfer of Principal Investigator

When a Principal Investigator plans to leave an institution during the course of an award, the institution has the prerogative to nominate a substitute PI or request that the award be terminated and closed out. Substitute PIs are subject to written MEMD approval. In those cases where a particular PI's participation is integral to a given project and the PI's original and new institution agree, MEMD will request a transfer of the grant and the assignment of remaining unobligated funds to the PI's new institution.

#### H. Subcontracts

Subcontracts that become necessary after a grant has been made must be submitted to MEMD for approval. The proposed performance statement and budget, a statement indicating the basis for selection of the contractor, and a justification of the proposed arrangement must be provided.

#### I. Suspension or Termination of Grants

MEMD grants may be suspended or terminated in accordance with the procedures contained in the General Grant Conditions. Grants may also be terminated by mutual agreement. Termination by mutual agreement shall not affect any commitment or grant

funds that, in the judgment of MEMD and the grantee, had become firm before the effective date of termination.

#### J. Proposals as Public Record

A proposal that results in a MEMD grant becomes part of the record of the transaction and will be available to the public, upon written request, except as described below. Information or material that MEMD and the grantee mutually agree to be of privileged nature will be held in confidence to the extent permitted by law, including the Freedom of Information Act. Without assuming any liability for inadvertent disclosure, MEMD will seek to limit dissemination of such information to its personnel and, when necessary for evaluation of the proposal, to outside reviewers. Accordingly, any privileged information should be in a separate, accompanying statement bearing a legend such as: "The following is (proprietary) (specify) information that (name of proposing organization) requests not to be released to persons outside the Government, except for purposes of evaluation." Appropriate labeling in the proposal aids identification of what may be specifically prohibited from disclosure by statute.

A proposal that does not result in a MEMD grant will be retained by MEMD but will be released to the public only with the consent of the proposer or to the extent required by the law. Portions of proposals resulting in awards that contain descriptions of inventions in which either the Government or the grantee owns or may own a right, title, or interest (including a nonexclusive license) will not normally be made available to the public until after reasonable time has been allowed for filing patent application. It is the policy of MEMD to notify the grantee of receipt of requests for copies of funded proposals so that the grantee may advise MEMD of such inventions described in the proposal.

#### K. Inventions and Copyrightable Materials

Each MEMD grant in support of research may be subject to a patent rights clause. Normally, grantees may elect to retain principal rights to their employees' inventions, subject to certain conditions set forth in the Federal Acquisition Circular 84-27. Each MEMD grant may be subject to several conditions affecting copyrightable material (reports, publications, software, etc.) produced in the performance of work under the grant. Normally, grantees may own or permit others to own most rights to such material, with



the Government receiving the right to use the material for Government purposes.

MEMD encourages dissemination, especially through publication in referred journals and similar media of research performed under its grants. MEMD may arrange for the publication

of outstanding MEMD-funded research projects in its NOAA Technical Memorandum Series and disseminate through the National Technical Information Service (NTIS) of the U.S. Department of Commerce.

(Federal Domestic Assistance Catalog Number 11.420, National Estuarine Reserve Research System)

Date: February 25, 1988.

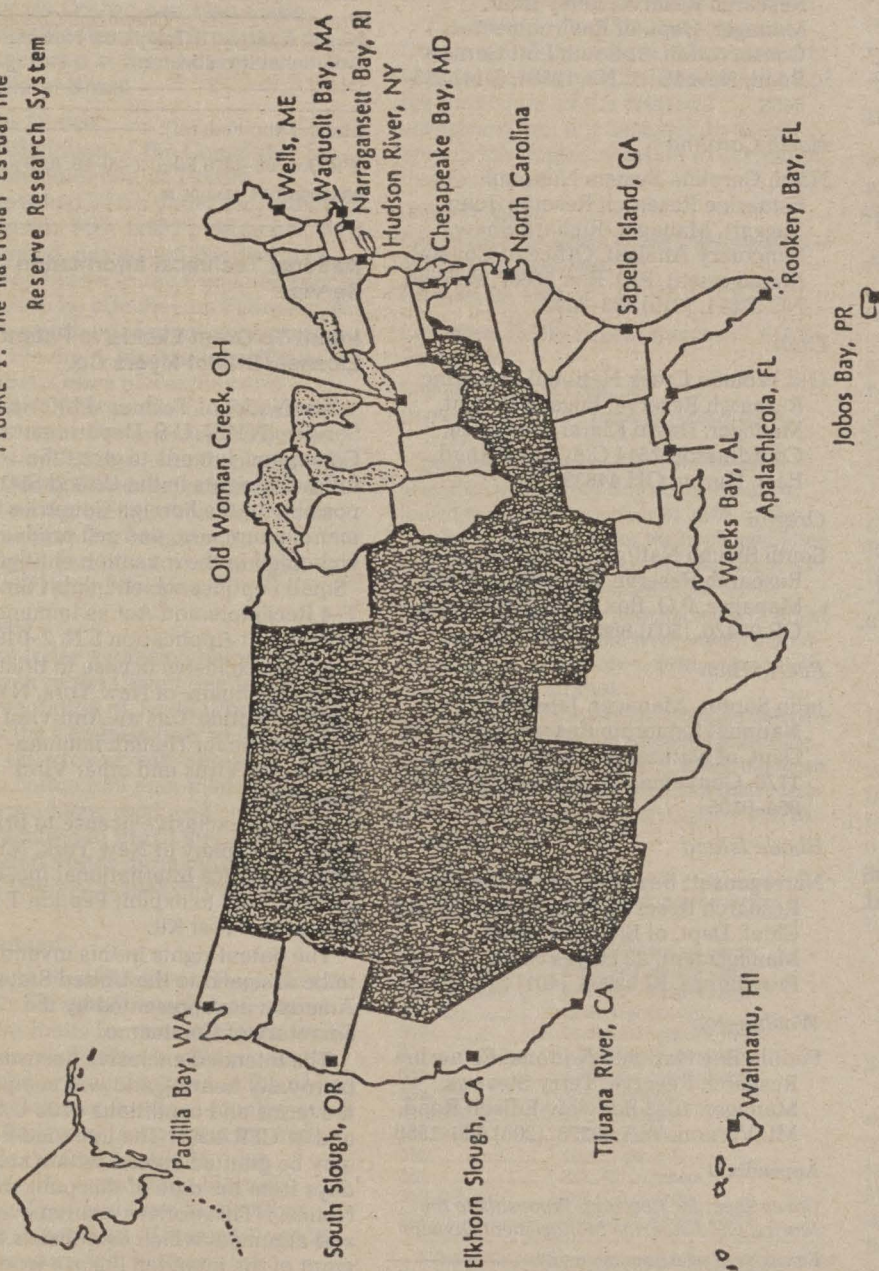
**Peter L. Tweedt,**

*Director for Office of Ocean and Coastal Resource Management.*

BILLING CODE 3510-08-M



FIGURE 1: The National Estuarine  
Reserve Research System



BILLING CODE 3510-08-C



**Appendix I. NERRS On-Site Management Personnel****Alabama**

Weeks Bay National Estuarine Research Reserve, William Tucker, Manager, Game and Fish Division, Dept. of Conservation and Natural Resources, P.O. Box 245, Spanish Fort, AL 36527, (205) 626-5153

**California**

Elkhorn Slough National Estuarine Research Reserve, Mark Silberstein, Program Coordinator, P.O. Box 267, Moss Landing, CA 95039, (408) 728-0804

Kenneth Moore, Manager, 1454 Elkhorn Road, Watsonville, CA 95076, (408) 728-0560

Tijuana River National Estuarine Research Reserve, Paul Jorgenson, Manager, 3990 Old Town Avenue, Suite 300 C, San Diego, CA 92110, (619) 237-6766

**Florida**

Apalachicola River National Estuarine Research Reserve, Woodard Miley II, Manager, 261 7th Street, Apalachicola, FL 32320, (904) 653-8063

Rookery Bay National Estuarine Research Reserve, Kris Thoenke, Manager, 10 Shell Island Road, Naples, FL 33942, (813) 775-8845

**Georgia**

Sapelo Island National Estuarine Research Reserve, Noel Holcomb, Reserve Coordinator, Dept. of Natural Resources, P.O. Box 19, Sapelo Island, GA 31327, (912) 458-2251

**Hawaii**

Waimanu Stream National Estuarine Research Reserve, Craig Tasaka, Dept. of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804, (808) 548-3047

**Maine**

Wells National Estuarine Research Reserve, Manager, P.O. Box 1559, Wells, ME 04090, (207) 646-4521

**Maryland**

Chesapeake Bay National Estuarine Research Reserve, R. Randall Schneider, Manager, Dept. of Natural Resources, Tawes State Office Building, Annapolis, MD 21401, (301) 269-3782

**Massachusetts**

Waquoit Bay National Estuarine Research Reserve, Ilo Howard, Manager, Division of Forests and Parks, Dept. of Environmental

Management, P.O. Box 66, South Carver, MA 02366, (617) 866-2580

**New York**

Hudson River National Estuarine Research Reserve, Betsy Blair, Manager, Dept. of Environmental Conservation, 21 South Putt Corners Road, New Paltz, NY 12561, (914) 255-5453

**North Carolina**

North Carolina System National Estuarine Research Reserve, John Taggart, Manager, Richard Shaw, Sanctuary Analyst, Office of Coastal Management, P.O. Box 27687, Raleigh, NC 27611, (919) 733-2293

**Ohio**

Old Woman Creek National Estuarine Research Reserve, Eugene Wright, Manager, David Klarer, Research Coordinator, 2514 Cleveland Road, East, Huron, OH 44839

**Oregon**

South Slough National Estuarine Research Reserve, Michael Graybill, Manager, P.O. Box 5417, Charleston, OR 97420, (503) 888-5558

**Puerto Rico**

Julio Santos, Manager, Jobos Bay National Estuarine Research Reserve, Dept. of Natural Resources, P.O. Box 1170, Guayama, PR 00655-0327, (809) 864-0105

**Rhode Island**

Narragansett Bay National Estuarine Research Reserve, John Faltus, Deputy Chief, Dept. of Environmental Management, 22 Hayes Street, Providence, RI 02908, (401) 277-2776

**Washington**

Padilla Bay National National Estuarine Research Reserve, Terry Stevens, Manager, 1043 Bayview-Edison Road, Mt. Vernon, WA 98273, (206) 428-1558

**Appendix II****Cover Sheet for Research Proposals to the Marine and Estuarine Management Division**

Fiscal Year of Announcement: \_\_\_\_\_  
Date of Application: \_\_\_\_\_  
Proposed Starting Date: \_\_\_\_\_  
Name of Research Reserve: \_\_\_\_\_

Closing Date for Proposal: \_\_\_\_\_  
Date of Revised Application: \_\_\_\_\_  
Project Duration: \_\_\_\_\_  
Title of Research Project: \_\_\_\_\_

Name and Address of Organization To Which Award Is To Be Made: \_\_\_\_\_

Name, Address, & Telephone Number of Additional Investigator: \_\_\_\_\_

Requested Amount (Federal): \_\_\_\_\_  
Abstract (250 Words—on separate sheet): \_\_\_\_\_  
Name, Address & Telephone Number of Principal Investigator: \_\_\_\_\_

Name, Address, & Telephone Number of Additional Investigator: \_\_\_\_\_

Match (Non-Federal): \_\_\_\_\_

[FR Doc. 88-4370 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-08-M

**National Technical Information Service****Intent To Grant Exclusive Patent License; Bristol-Myers Co.**

The National Technical Information Service (NTIS), U.S. Department of Commerce, intends to grant the following rights in the United States and possibly in the Foreign Countries to manufacture, use, and sell products embodied in the invention entitled, "Small Peptides which Inhibit Binding to T-4 Receptors and Act as Immunogens," U.S. Patent Application S.N. 7-048,148:

(1) An exclusive license to Bristol-Myers Company of New York, NY to exploit Peptide T as an Anti-viral Therapeutic for Human Immuno-deficiency Virus and other Viral Infections.

(2) A co-exclusive license to Bristol-Myers Company of New York, NY and Monoclonetics International Inc. of Houston, TX to exploit Peptide T for a Diagnostic Test Kit.

The patent rights in this invention are to be assigned to the United States of America, as represented by the Secretary of Commerce.

The intended exclusive licenses will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The intended licenses may be granted unless, within sixty days from the date of this published Notice, NTIS receives written evidence and argument which establishes that the grant of the intended license would not serve the public interest.

Inquiries, comments and other materials relating to the intended license must be submitted to Papan Devnani, Office of Federal Patent Licensing, NTIS, Box 1423, Springfield, VA 22151.

Douglas J. Campion,  
Associate Director, Office of Federal Patent Licensing, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 88-4293 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-04-M



# COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

## Adjustment of Import Restraint Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in the Federative Republic of Brazil

February 25, 1988.

The Chairman of the Committee for the Implementation of Textile Agreements (CITA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 26, 1988. For further information contact Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377-4212. For information on the quota status of these limits, please refer to the Quota Status Reports which are posted on the bulletin boards of each Customs port. For information on embargoes and quota re-openings, please call (202) 377-3715.

### Summary

In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to adjust the current restraint limits for certain cotton and man-made fiber textile products, produced or manufactured in Brazil and exported to the United States during the three-month period January 1, 1988 through March 31, 1988.

### Background

A CITA directive dated December 21, 1987 (52 FR 49062) established import restraint limits for certain cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the three-month period which began on January 1, 1988 and extends through March 31, 1988.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, as amended, between the Governments of the United States and the Federative Republic of Brazil, the limits for Categories 218, 219, 225/317/326, 300/301, 313, 314, 315, 334/335, 338/339, 347/348, 350, 361, 369-D and 624 are being adjusted, variously, by application of swing and carryover. The adjusted limit for Category 350 also includes an adjustment for carryforward used in the agreement year which began on April 1, 1986 and extended through March 31, 1987.

A description of the textile categories in terms of T.S.U.S.A. numbers is

available in the CORRELATION: Textile and Apparel Categories with Tariff Schedules of the United States Annotated [see Federal Register notice 52 FR 47745, dated December 11, 1987].

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

February 25, 1988.

## Committee for the Implementation of Textile Agreements

Commissioner of Customs,  
Department of the Treasury, Washington,  
D.C. 20229

Dear Mr. Commissioner: This directive amends, but does not cancel, the directive issued to you on December 21, 1987 by the Chairman, Committee for the Implementation of Textile Agreements, concerning imports of cotton, wool and man-made fiber textile products, produced or manufactured in Brazil and exported during the three-month period which began on January 1, 1988 and extends through March 31, 1988.

Effective on February 26, 1988, the directive of December 21, 1987 is amended to include the following adjusted limits, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 29, 1985, as amended:<sup>1</sup>

Category	Adjusted 3-month limit <sup>1</sup>
218	1,465,925 square yards.
219	4,602,641 square yards.
225/317/326	5,753,053 square yards.
300/301	2,920,009 pounds.
313	10,393,292 square yards.
314	1,672,936 square yards.
315	6,328,557 square yards.
334/335	32,090 dozen.
338/339	247,754 dozen.
347/348	212,360 dozen.
350	19,810 dozen.
361	212,360 numbers.
369-D <sup>2</sup>	233,670 pounds.
624	2,268,475 square yards.

<sup>1</sup> The limits have not been adjusted to account for any imports exported after December 31, 1987.

<sup>2</sup> In Category 369-D, only TSUSA numbers 365.6615, 366.1720, 366.1740, 366.2020, 366.2040, 366.2420, 366.2440 and 366.2660.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs

<sup>1</sup> The agreement provides, in part, that: (1) Specific limits may be exceeded during the agreement year by designated percentages; (2) specific limits may be adjusted for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

James H. Babb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 88-4372 Filed 2-29-88; 8:45 am]

BILLING CODE 3510-DR-M

## DEPARTMENT OF DEFENSE

### Public Information Collection Requirement Submitted to OMB for Review

AGENCY: Department of Defense.

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title Applicable Form and Applicable OMB Control Number: CHAMPUS Reform Initiative Evaluation; No Form Number; and No OMB Control Number.

Type of Request: NEW.

Annual Burden Hours: 2,087.

Annual Responses: 4,173.

Needs and Uses: The Department of Defense is testing a major reform to CHAMPUS. Evaluation of the reform will rely heavily on DoD data systems, but will also require beneficiary survey to supply crucial information about access to care, costs, and beneficiary satisfaction. The information collected will be used to evaluate test and improve operations.

Affected Public: CHAMPUS Users.

Frequency: On Occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Edward Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Edward Springer at Office of Management and Budget, Desk Officer, Room 3235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Ms. Pearl Rascoe-Harrison.

A copy of the information collection proposal may be obtained from, Ms. Rascoe-Harrison WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, Virginia 22202-4302, telephone (202) 746-0933.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

February 24, 1988.

[FR Doc. 88-4347 Filed 2-29-88; 8:45 am]

BILLING CODE 3910-01-M



**Office of the Secretary****Civilian Health and Medical Program of the Uniformed Services (CHAMPUS)****AGENCY:** Office of the Secretary, DoD.**ACTION:** Notice of revised rates.

**SUMMARY:** This notice announces implementation by CHAMPUS of: (1) The current Medicare Grouper program and the necessary updated diagnosis related group (DRG) weights and rates, and (2) certain provisions of the 1988 Department of Defense Appropriations Act which affect the CHAMPUS DRG-based payment system.

**EFFECTIVE DATES:** October 1, 1987, for the provisions of the Appropriations Act and March 1, 1988, for implementation of the new Grouper.

**ADDRESS:** Office of the Civilian and Medical Program of the Uniformed Services (OCHAMPUS), Office of Program Development, Aurora, CO 80045.

**FOR FURTHER INFORMATION CONTACT:** Stephen E. Isaacson, Office of Program Development, OCHAMPUS, telephone (303) 361-4005.

**SUPPLEMENTARY INFORMATION:** The final rule published by OCHAMPUS in the Federal Register on September 1, 1987 (52 FR 32992), provides that the CHAMPUS DRG-based payment system will use the most recently available Grouper program used for the Medicare

Prospective Payment System (PPS). When the CHAMPUS DRG-based payment system was developed and subsequently implemented on October 1, the Medicare FY 1987 Grouper was the only program available to use, and the CHAMPUS DRG system was based on it. Since that time, the Health Care Financing Administration has introduced an updated Grouper—a FY 1988 version. In order to remain as consistent as possible with the Medicare PPs, the CHAMPUS DRG-based payment system will use the Medicare FY 1988 Grouper for all claims for discharges occurring on or after March 1, 1988. This Grouper introduces two new DRGs and incorporates a number of changes in the ICD-9 codes which are used in assigning a DRG to individual claims. As a result of these changes, the adjusted standardized amounts, relative weights, geometric mean lengths-of-stay, and outlier thresholds used in the CHAMPUS DRG-based payment system must be updated. These updated amounts are attached to this notice for information (Tables 1 and 2). These updated amounts also account for the DRG exemptions required by the 1988 Department of Defense Appropriations Act as described below.

Section 8064 of Pub. L. 100-202, the 1988 Department of Defense Appropriations Act, requires certain neonatal and pediatric services to be excluded from the CHAMPUS DGR-

based payment system. The services to be excluded are: (1) Discharges involving newborns and infants who are less than 29 days old upon admission (other than discharges classified to diagnosis related group 391), (2) discharges involving pediatric bone marrow transplants, (3) discharges involving children who have been determined to be HIV seropositive, and (4) discharges involving pediatric cystic fibrosis. In addition, the beneficiary cost-share for these services cannot exceed the cost-share which would have been imposed if the services were paid under the CHAMPUS DRG-based payment system. These provisions are retroactive to October 1, 1987.

**L.M. Bynum,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

February 22, 1988.

**TABLE 1.—NATIONAL URBAN AND RURAL ADJUSTED STANDARDIZED AMOUNTS, LABOR/NONLABOR**

(Effective for Discharges on or after March 1, 1988)

National urban adjusted standardized amount.....	\$2,842.93
Labor portion.....	2,066.24
Nonlabor portion.....	776.69
National rural adjusted standardized amount.....	2,553.91
Labor portion.....	1,969.83
Nonlabor portion.....	584.08

**TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS**

(Effective for discharges on or after Mar. 1, 1988)

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
1	Craniotomy age > 17 except for trauma .....	3.5929	10.2	2	27
2	Craniotomy for trauma age > 17 .....	4.4315	9.9	1	26
3	Craniotomy age 0-17 .....	2.3476	6.0	1	23
4	Spinal procedures .....	2.0539	8.4	2	25
5	Extracranial vascular procedures .....	1.6987	5.5	2	14
6	Carpal tunnel release .....	0.5382	1.8	1	6
7	Periph & cranial nerve & other nerv syst proc with CC .....	2.3226	6.8	1	23
8	Periph & cranial nerve & other nerv syst proc w/o CC .....	0.8943	2.9	1	13
9	Spinal disorders & injuries .....	2.0190	6.3	1	23
10	Nervous system neoplasms with CC .....	1.2613	5.4	1	22
11	Nervous system neoplasms w/o CC .....	0.8589	3.8	1	20
12	Degenerative nervous system disorders .....	1.5977	6.7	1	23
13	Multiple sclerosis & cerebellar ataxia .....	0.9727	5.0	1	21
14	Specific cerebrovascular disorders except TIA .....	1.4559	5.7	1	22
15	Transient ischemic attack & precerebral occlusions .....	0.7402	3.2	1	12
16	Nonspecific cerebrovascular disorders w CC .....	1.2954	5.1	1	22
17	Nonspecific cerebrovascular disorders w/o CC .....	0.7630	3.0	1	17
18	Cranial & peripheral nerve disorder with CC .....	1.2457	5.4	1	22
19	Cranial & peripheral nerve disorders w/o CC .....	0.7140	3.8	1	19
20	Nervous system infection except viral meningitis .....	1.4011	5.9	1	22
21	Viral meningitis .....	0.5681	3.4	1	10
22	Hypertensive encephalopathy .....	0.7367	3.4	1	11
23	Nontraumatic stupor & coma .....	1.1280	3.8	1	20
24	Seizure & headache age > 17 with CC .....	0.9302	4.0	1	18
25	Seizure & headache age > 17 w/o CC .....	0.5640	3.1	1	12
26	Seizure & headache age 0-17 .....	0.4634	2.4	1	9
27	Traumatic stupor & coma, coma > 1 HR .....	1.8335	3.9	1	20
28	Traumatic stupor & coma, coma < 1 HR age > 17 with CC .....	1.7182	3.8	1	20



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
29	Traumatic stupor & coma, coma <1 HR age >17 w/o CC	0.7013	2.6	1	14
30	Traumatic stupor & coma, coma <1 HR age 0-17	0.4035	1.8	1	7
31	Concussion age >17 with CC	0.8558	3.0	1	19
32	Concussion age >17 w/o CC	0.3908	1.9	1	6
33	Concussion age 0-17	0.2328	1.3	1	3
34	Other disorders of nervous system with CC	1.7552	5.1	1	22
35	Other disorders of nervous system w/o CC	0.6544	2.8	1	14
36	Retinal procedures	0.8146	2.9	1	8
37	Orbital procedures	0.8081	2.5	1	9
38	Primary iris procedures	0.4443	2.0	1	5
39	Lens procedures with or without vitrectomy	0.6953	1.7	1	4
40	Extraocular procedures except orbit age >17	0.4833	1.6	1	4
41	Extraocular procedures except orbit age 0-17	0.4319	1.4	1	3
42	Intraocular procedures except retina, iris & lens	0.7892	2.5	1	7
43	Hyphema	0.3071	3.6	1	11
44	Acute major eye infections	0.4732	3.7	1	10
45	Neurological eye disorders	0.5483	2.6	1	8
46	Other disorders of the eye age >17 w CC	0.6652	3.6	1	19
47	Other disorders of the eye age >17 w/o CC	0.6035	3.1	1	15
48	Other disorders of the eye age 0-17	0.4895	2.4	1	11
49	Major head & neck procedures	2.7460	8.6	1	25
50	Sialoadenectomy	0.7598	2.1	1	6
51	Salivary gland procedures except sialoadenectomy	0.6622	2.3	1	9
52	Cleft lip & palate repair	0.6944	2.9	1	8
53	Sinus & mastoid procedures age >17	0.7469	1.9	1	7
54	Sinus & mastoid procedures age 0-17	0.6668	1.7	1	5
55	Miscellaneous ear, nose & throat procedures	0.4944	1.4	1	3
56	Rhinoplasty	0.4797	1.4	1	3
57	T&A proc, except tonsillectomy &/or adenoidectomy only, age >17	0.5548	2.0	1	6
58	T&A proc, except tonsillectomy &/or adenoidectomy only, age 0-17	0.3708	1.2	1	2
59	Tonsillectomy &/or adenoidectomy only, age >17	0.3702	1.2	1	2
60	Tonsillectomy &/or adenoidectomy only, age 0-17	0.3345	1.2	1	2
61	Myringotomy w tube insertion age >17	0.6804	1.5	1	5
62	Myringotomy w tube insertion age 0-17	0.3619	1.4	1	4
63	Other ear, nose & throat O.R. procedures	0.9180	2.8	1	13
64	Ear, nose & throat malignancy	1.1164	3.9	1	20
65	Dyssequilibrium	0.5005	2.8	1	9
66	Epistaxis	0.5104	3.0	1	11
67	Epiglottitis	1.1026	3.6	1	13
68	Otitis media & URI age >17 with CC	0.6847	3.6	1	12
69	Otitis media & URI age >17 w/o CC	0.4803	2.8	1	8
70	Otitis media & URI age 0-17	0.4011	2.7	1	8
71	Laryngotracheitis	0.3580	2.2	1	6
72	Nasal trauma & deformity	0.3908	1.5	1	5
73	Other ear, nose & throat diagnoses age >17	0.6847	2.6	1	12
74	Other ear, nose & throat diagnoses age 0-17	0.4183	1.9	1	8
75	Major chest procedures	2.9868	9.5	3	26
76	Other resp system O.R. procedures w CC	2.1274	6.8	1	23
77	Other resp system O.R. procedures w/o CC	1.6927	5.0	1	21
78	Pulmonary embolism	1.6485	7.6	1	24
79	Respiratory infections & inflammations age >17 with CC	2.7113	8.4	1	25
80	Respiratory infections & inflammations age >17 w/o CC	1.7817	7.2	1	24
81	Respiratory infections & inflammations age 0-17	1.0241	4.6	1	18
82	Respiratory neoplasms	1.3491	4.9	1	21
83	Major chest trauma with CC	1.8950	5.6	1	22
84	Major chest trauma w/o CC	0.6103	3.5	1	13
85	Pleural effusion with CC	1.3342	5.6	1	22
86	Pleural effusion w/o CC	0.9303	4.1	1	21
87	Pulmonary edema & respiratory failure	2.4382	6.4	1	23
88	Chronic obstructive pulmonary disease	1.3332	5.4	1	20
89	Simple pneumonia & pleurisy age >17 with CC	1.5594	6.3	1	21
90	Simple pneumonia & pleurisy age >17 w/o CC	0.9991	4.9	1	15
91	Simple pneumonia & pleurisy age 0-17	0.6013	3.6	1	10
92	Interstitial lung disease with CC	1.2485	4.8	1	21
93	Interstitial lung disease w/o CC	0.8040	3.7	1	16
94	Pneumothorax with CC	1.5932	6.2	1	23
95	Pneumothorax w/o CC	0.6641	4.1	1	14
96	Bronchitis & asthma age >17 with CC	1.1671	5.2	1	16
97	Bronchitis & asthma age >17 w/o CC	0.8000	4.1	1	12
98	Bronchitis & asthma age 0-17	0.4954	2.9	1	8
99	Respiratory signs & symptoms with CC	0.9342	3.7	1	14
100	Respiratory signs & symptoms w/o CC	0.5867	2.6	1	9
101	Other respiratory system diagnoses with CC	1.2460	4.2	1	19
102	Other respiratory system diagnoses w/o CC	0.7589	2.9	1	14
103	Heart transplant	-	-	-	-
104	Cardiac valve procedures w pump & w cardiac cath	6.7699	11.3	3	28



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
105	Cardiac valve procedures w pump & w/o cardiac cath	5.8163	9.6	3	25
106	Coronary bypass w cardiac cath	5.7893	11.0	4	24
107	Coronary bypass w/o cardiac cath	4.8727	9.2	4	21
108	Other cardiothoracic or vascular procedures, w pump	3.6186	8.8	2	25
109	Other cardiothoracic procedures w/o pump	4.0367	8.5	2	25
110	Major reconstructive vascular proc w/o pump with CC	3.7584	10.0	3	27
111	Major reconstructive vascular proc w/o CC	2.7567	8.3	3	20
112	Vascular procedures except major reconstruction w/o pump	2.1502	4.7	1	19
113	Amputation for circ system disorders except upper limb & toe	3.8918	16.0	3	33
114	Upper limb & toe amputation for circ system disorders	2.0430	8.8	1	25
115	Perm cardiac pacemaker implant w AMI, heart failure or shock	4.7019	8.9	1	25
116	Perm cardiac pacemaker implant w/o AMI, heart failure or shock	3.1952	5.0	1	16
117	Cardiac pacemaker revision except device replacement	1.4916	4.1	1	21
118	Cardiac device replacement	2.1882	2.3	1	7
119	Vein ligation & stripping	0.7818	3.0	1	10
120	Other circulatory system O.R. procedures	3.2334	8.2	1	25
121	Circulatory disorders w AMI & C.V. comp disch alive	2.1555	6.9	1	23
122	Circulatory disorders w AMI w/o C.V. comp disch alive	1.5020	5.2	1	22
123	Circulatory disorders w AMI, expired	2.3837	2.6	1	17
124	Circulatory disorders except AMI, w card cath & complex diag	1.4282	3.7	1	15
125	Circulatory disorders except AMI, w card cath w/o complex diag	0.8496	2.3	1	8
126	Acute & subacute endocarditis	3.6940	12.7	2	29
127	Heart failure & shock	1.2586	5.2	1	20
128	Deep vein thrombophlebitis	0.9305	6.7	2	20
129	Cardiac arrest, unexplained	3.5191	4.7	1	21
130	Peripheral vascular disorders with CC	1.1115	4.9	1	21
131	Peripheral vascular disorders w/o CC	0.7536	3.7	1	19
132	Atherosclerosis with CC	1.0814	2.8	1	10
133	Atherosclerosis w/o CC	0.9440	2.6	1	9
134	Hypertension	0.6517	3.4	1	12
135	Cardiac congenital & valvular disorders age > 17 with CC	0.9556	3.2	1	11
136	Cardiac congenital & valvular disorders age > 17 w/o CC	0.7398	2.5	1	9
137	Cardiac congenital & valvular disorders age 0-17	0.6806	2.0	1	7
138	Cardiac arrhythmia & conduction disorders with CC	0.9141	3.5	1	14
139	Cardiac arrhythmia & conduction disorders w/o CC	0.6520	2.7	1	10
140	Angina pectoris	0.8066	3.0	1	10
141	Syncope & collapse with CC	0.6853	3.1	1	11
142	Syncope & collapse w/o CC	0.5395	2.5	1	8
143	Chest pain	0.6368	2.4	1	7
144	Other circulatory system diagnoses w CC	1.3713	4.6	1	21
145	Other circulatory system diagnoses w/o CC	0.8275	3.1	1	13
146	Rectal resection with CC	3.3033	13.0	5	30
147	Rectal resection w/o CC	2.3420	10.4	5	19
148	Major small & large bowel procedures with CC	3.5229	11.8	3	28
149	Major small & large bowel procedures w/o CC	2.0604	8.8	3	24
150	Peritoneal adhesiolysis with CC	2.3202	9.8	3	26
151	Peritoneal adhesiolysis w/o CC	1.5533	7.2	2	20
152	Minor small & large bowel procedures with CC	1.9874	7.7	2	24
153	Minor small & large bowel procedures w/o CC	1.3250	6.1	1	21
154	Stomach, esophageal & duodenal procedures age > 17 with CC	3.6161	10.3	2	27
155	Stomach, esophageal & duodenal procedures age > 17 w/o CC	2.1173	7.7	2	24
156	Stomach, esophageal & duodenal procedures age 0-17	0.9797	4.3	1	15
157	Anal & stomal procedures with CC	0.9792	4.5	1	16
158	Anal & stomal procedures w/o CC	0.6198	3.1	1	10
159	Hernia procedures except inguinal & femoral age > 17 with CC	1.4343	5.3	1	18
160	Hernia procedures except inguinal & femoral age > 17 w/o CC	0.8019	3.3	1	11
161	Inguinal & femoral hernia procedures age > 17 with CC	0.8517	3.3	1	11
162	Inguinal & femoral hernia procedures age > 17 w/o CC	0.5364	2.0	1	6
163	Hernia procedures age 0-17	0.4229	1.5	1	3
164	Appendectomy w complicated principal diag with CC	2.7846	9.8	4	23
165	Appendectomy w complicated principal diag w/o CC	1.3482	5.9	2	15
166	Appendectomy w/o complicated principal diag with CC	1.2479	5.1	1	14
167	Appendectomy w/o complicated principal diag w/o CC	0.6985	3.2	1	7
168	Mouth procedures with CC	1.8393	4.6	1	21
169	Mouth procedures w/o CC	0.9490	2.8	1	8
170	Other digestive system O.R. procedures with CC	2.9500	10.0	1	27
171	Other digestive system O.R. procedures w/o CC	1.2301	4.5	1	21
172	Digestive malignancy with CC	1.5130	5.8	1	22
173	Digestive malignancy w/o CC	1.0042	4.0	1	21
174	G.I. hemorrhage with CC	1.1537	4.4	1	17
175	G.I. hemorrhage w/o CC	0.7057	3.5	1	11
176	Complicated peptic ulcer	0.9430	4.1	1	15
177	Uncomplicated peptic ulcer with CC	0.8804	4.7	1	13
178	Uncomplicated peptic ulcer w/o CC	0.6262	3.5	1	11
179	Inflammatory bowel disease	1.0385	5.3	1	22
180	G.I. obstruction with CC	1.0953	5.1	1	22



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
181	G.I. obstruction w/o CC	0.5968	3.5	1	13
182	Esophagitis, gastroent & misc digest disorders age > 17 with CC	0.7502	3.8	1	14
183	Esophagitis, gastroent & misc digest disorders age > 17 w/o CC	0.5569	3.0	1	11
184	Esophagitis, gastroent & misc digest disorders age 0-17	0.3272	2.4	1	7
185	Dental & oral dis except extractions & restorations, age > 17	0.8935	3.3	1	17
186	Dental & oral dis except extractions & restorations, age 0-17	0.4213	2.5	1	8
187	Dental extractions & restorations	0.4924	1.7	1	5
188	Other digestive system diagnoses age > 17 with CC	0.9978	4.1	1	17
189	Other digestive system age > 17 w/o CC	0.6116	2.8	1	13
190	Other Digestive system diagnoses age 0-17	0.3709	1.8	1	7
191	Major pancreas, liver & shunt procedures	5.0663	13.3	3	30
192	Minor pancreas, liver & shunt procedures	5.2463	12.6	2	29
193	Biliary tract proc except tot cholecystectomy with CC	3.7662	12.2	3	29
194	Biliary tract proc except tot cholecystectomy w/o CC	2.0293	8.3	3	22
195	Total cholecystectomy w C.D.E. with CC	2.0584	8.7	4	18
196	Total cholecystectomy w C.D.E. w/o CC	1.5286	7.5	3	15
197	Total cholecystectomy w/o C.D.E. with CC	1.5163	6.9	2	16
198	Total cholecystectomy w/o C.D.E. w/o CC	1.1102	5.4	2	12
199	Hepatobiliary diagnostic procedure for malignancy	1.9042	9.7	3	26
200	Hepatobiliary diagnostic procedure for non-malignancy	2.4534	6.8	1	23
201	Other hepatobiliary or pancreas O.R. Relative procedures	2.7212	7.0	1	24
202	Cirrhosis & alcoholic hepatitis	1.4267	5.6	1	22
203	Malignancy of hepatobiliary system or pancreas	1.3120	5.4	1	22
204	Disorders of pancreas except malignancy	1.0088	5.2	1	18
205	Disorders of liver except malig, cirr, alc hepa with CC	1.8268	6.3	1	23
206	Disorders of liver except malig, cirr, alc hepa w/o CC	0.8356	3.7	1	20
207	Disorders of the biliary tract with CC	0.9396	4.0	1	16
208	Disorders of the biliary tract w/o CC	0.6018	2.8	1	11
209	Major joint & limb reattachment procedures	2.9756	10.5	5	22
210	Hip & femur procedures except major joint age > 17 with CC	3.2071	11.7	3	28
211	Hip & femur procedures except major joint age > 17 w/o CC	1.9141	8.3	2	25
212	Hip & femur procedures except major joint age 0-17	1.4078	5.9	1	22
213	Amputation for musculoskeletal system & conn tissue disorders	1.7200	7.8	1	24
214	Back & neck procedures with CC	2.3314	9.1	2	26
215	Back & neck procedures w/o CC	1.4314	6.9	2	18
216	Biopsies of musculoskeletal system & connective tissue	1.3041	4.4	1	21
217	Wnd debrid & skn grft except hand, for musculoskelet & conn tiss dis	2.1729	5.8	1	22
218	Lower extrem & humer proc except hip, foot, femur age > 17 with CC	1.8478	7.2	1	24
219	Lower extrem & humer proc except hip, foot, femur age > 17 w/o CC	1.0774	4.2	1	14
220	Lower extrem & humer proc except hip, foot, femur age 0-17	0.8070	2.6	1	11
221	Knee procedures with CC	1.9438	4.4	1	21
222	Knee procedures w/o CC	0.8376	2.6	1	9
223	Major should/elbow proc, or other upper extremity proc w CC	1.1098	3.4	1	14
224	Shoulder, elbow or forearm proc, exc. 7546 major joint proc, w/o CC	0.7546	2.3	1	7
225	Foot procedures	0.7178	2.5	1	8
226	Soft tissue procedures with CC	1.0208	4.1	1	19
227	Soft tissue procedures w/o CC	0.7308	2.5	1	9
228	Major thumb or joint proc, or oth hand or wrist proc w CC	0.8723	2.6	1	9
229	Hand or wrist proc, except major joint proc, w/o CC	0.6324	1.8	1	6
230	Local excision & removal of int fix devices of hip & femur	0.6997	2.2	1	11
231	Local excision & removal of int fix devices except hip & femur	0.8560	2.6	1	12
232	Arthroscopy	0.6903	2.0	1	7
233	Other musculoskelet sys & conn tiss O.R. proc with CC	2.4393	7.2	1	24
234	Other musculoskelet sys & conn tiss O.R. proc w/o CC	0.9846	3.6	1	13
235	Fractures of femur	1.2548	8.0	1	24
236	Fractures of hip & pelvis	0.9999	6.0	1	23
237	Sprains, strains, & dislocations of hip, pelvis & thigh	0.6397	3.9	1	16
238	Osteomyelitis	1.6234	8.6	1	25
239	Pathological fractures & musculoskeletal & conn tiss malignancy	1.1995	6.1	1	23
240	Connective tissue disorders with CC	1.4883	6.3	1	23
241	Connective tissue disorders w/o CC	0.8487	4.7	1	21
242	Septic arthritis	1.2068	7.7	1	24
243	Medical back problems	0.7163	4.0	1	19
244	Bone diseases & specific arthropathies with CC	0.8196	4.5	1	21
245	Bone diseases & specific arthropathies w/o CC	0.6535	3.5	1	17
246	Non-specific arthropathies	0.5730	3.2	1	10
247	Signs & symptoms of musculoskeletal system & conn tissue	0.6730	3.5	1	19
248	Tendonitis, myositis & bursitis	0.6077	3.3	1	13
249	Aftercare, musculoskeletal system & connective tissue	0.7895	3.1	1	20
250	Fx, sprn, strn & disl of forearm, hand, foot age > 17 with CC	0.7499	3.9	1	18
251	Fx, sprn, strn & disl of forearm, hand, foot age > 17 w/o CC	0.4530	2.1	1	7
252	Fx, sprn, strn & disl of forearm, hand, foot age 0-17	0.3156	1.2	1	2
253	Fx, sprn, strn & disl of uparm, lowleg ex foot age > 17 with CC	0.8131	3.9	1	17
254	Fx, sprn, strn & disl of uparm, lowleg ex foot age > 17 w/o CC	0.4756	2.7	1	10
255	Fx, sprn, strn & disl of uparm, lowleg ex foot age 0-17	0.3730	1.8	1	6
256	Other musculoskeletal system & connective tissue diagnoses	0.6412	2.8	1	12



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
257	Total mastectomy for malignancy with CC.....	1.2134	5.5	2	13
258	Total mastectomy for malignancy w/o CC.....	1.0013	4.5	1	11
259	Subtotal mastectomy for malignancy with CC.....	1.1836	4.4	1	21
260	Subtotal mastectomy for malignancy.....	0.7848	2.4	1	9
261	Breast proc for non-malignancy except biopsy & local excision.....	0.9039	2.7	1	8
262	Breast biopsy & local excision for non-malignancy.....	0.5147	1.8	1	5
263	Skin graft &/or debrid for skin ulcer or cellulitis with CC.....	2.8199	11.6	2	28
264	Skin graft &/or debrid for skin ulcer or cellulitis w/o CC.....	1.7519	8.4	1	25
265	Skin graft &/or debrid except for skin ulcer or cellulitis w CC.....	1.7638	6.7	1	23
266	Skin graft &/or debrid except for skin ulcer or cellulitis w/o CC.....	0.9219	3.3	1	16
267	Perianal & pilonidal procedures.....	0.4895	2.0	1	6
268	Skin, subcutaneous tissue & breast plastic procedures.....	0.7059	2.4	1	8
269	Other skin, subcut tiss & breast O.R. proc with CC.....	1.5484	5.5	1	22
270	Other skin, subcut tiss & breast O.R. proc w/o CC.....	0.7482	2.5	1	12
271	Skin ulcers.....	1.1217	6.5	1	23
272	Major skin disorders with CC.....	1.1208	5.7	1	22
273	Major skin disorders w/o CC.....	0.7144	4.4	1	2
274	Malignant breast disorders with CC.....	1.2621	6.0	1	22
275	Malignant breast disorders w/o CC.....	0.7597	3.7	1	20
276	Non-malignant breast disorders.....	0.5313	2.6	1	8
277	Cellulitis age > 17 with CC.....	1.0267	5.7	1	18
278	Cellulitis age > 17 w/o CC.....	0.7481	4.5	1	14
279	Cellulitis age 0-17.....	0.5257	3.5	1	11
280	Trauma to the skin, subcut tiss & breast age > 17 with CC.....	0.5663	2.7	1	11
281	Trauma to the skin, subcut tiss & breast age > 17 w/o CC.....	0.4177	2.2	1	8
282	Trauma to the skin, subcut tiss & breast age 0-17.....	0.3172	1.7	1	5
283	Minor skin disorders with CC.....	0.6608	4.1	1	13
284	Minor skin disorders w/o CC.....	0.5013	2.9	1	11
285	Amputat of lower limb for endocrine, nutrit, & metabol disorders.....	2.3266	14.0	5	30
286	Adrenal & pituitary procedures.....	2.8330	9.0	2	25
287	Skin grafts & wound debrid for endoc, nutrit & metab disorders.....	1.9340	10.0	2	27
288	O.R. procedures for obesity.....	1.8135	6.1	2	12
289	Parathyroid procedures.....	0.9679	4.0	1	10
290	Thyroid procedures.....	0.7717	2.8	1	7
291	Thyroglossal procedures.....	0.4225	1.4	1	3
292	Other endocrine, nutrit & metab O.R. proc with CC.....	2.0295	7.4	2	24
293	Other endocrine, nutrit & metab O.R. proc w/o CC.....	1.6953	4.9	1	21
294	Diabetes age > 35.....	0.7535	5.0	1	15
295	Diabetes age 0-35.....	0.6360	3.9	1	13
296	Nutritional & misc metabolic disorders age > 17 with CC.....	1.1515	5.1	1	22
297	Nutritional & misc metabolic disorders > 17 w/o CC.....	0.7049	3.6	1	16
298	Nutritional & misc metabolic disorders age 0-17.....	0.4554	3.0	1	12
299	Inborn errors of metabolism.....	1.0271	3.8	1	19
300	Endocrine disorders with CC.....	1.0769	4.9	1	21
301	Endocrine disorders w/o CC.....	0.6511	3.0	1	14
302	Kidney transplant.....	3.7000	15.2	5	32
303	Kidney, ureter & major bladder procedures for neoplasm.....	2.3329	9.5	4	21
304	Kidney, ureter & major bladder proc for non-neopl with CC.....	2.4233	7.9	2	24
305	Kidney, ureter & major bladder proc for non-neopl w/o CC.....	1.3877	4.6	1	20
306	Prostatectomy with CC.....	2.3209	8.4	1	25
307	Prostatectomy w/o CC.....	1.0066	4.7	1	16
308	Minor bladder procedures with CC.....	1.5938	5.5	1	22
309	Minor bladder procedures w/o CC.....	1.1541	4.1	1	21
310	Transurethral procedures with CC.....	1.0867	3.4	1	16
311	Transurethral procedures w/o CC.....	0.7518	2.7	1	9
312	Urethral procedures, age > 17 with CC.....	0.7701	3.6	1	14
313	Urethral procedures, age > 17 w/o CC.....	0.6603	2.4	1	11
314	Urethral procedures, age 0-17.....	0.5306	2.2	1	8
315	Other kidney & urinary tract O.R. procedures.....	2.6105	7.1	1	24
316	Renal failure.....	1.9164	5.9	1	22
317	Admit for renal dialysis.....	0.3542	1.8	1	7
318	Kidney & urinary tract neoplasms with CC.....	1.3692	5.3	1	22
319	Kidney & urinary tract neoplasms w/o CC.....	0.7084	3.1	1	15
320	Kidney & urinary tract infections age > 17 with CC.....	0.9685	5.1	1	16
321	Kidney & urinary tract infections age > 17 w/o CC.....	0.6607	3.8	1	11
322	Kidney & urinary tract infections age 0-17.....	0.5417	3.6	1	11
323	Urinary stones with CC, &/or ESW lithotripsy.....	0.9274	2.7	1	12
324	Urinary stones w/o CC.....	0.5886	2.0	1	8
325	Kidney & urinary tract signs & symptoms age > 17 with CC.....	0.8040	3.9	1	18
326	Kidney & urinary tract signs & symptoms age > 17 w/o CC.....	0.6244	2.7	1	10
327	Kidney & urinary tract signs & symptoms age 0-17.....	0.3981	2.4	1	8
328	Urethral stricture age > 17 with CC.....	0.6021	3.0	1	11
329	Urethral stricture age > 17 w/o CC.....	0.5067	2.4	1	10
330	Urethral stricture age 0-17.....	0.2788	1.6	1	5
331	Other kidney & urinary tract diagnoses age > 17 with CC.....	1.1244	4.6	1	21
332	Other kidney & urinary tract diagnoses age > 17 w/o CC.....	0.6587	2.9	1	13



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
333	Other kidney & urinary tract diagnoses age 0-17	0.5480	2.8	1	12
334	Major male pelvic procedures w/CC	2.0804	10.1	4	24
335	Major male pelvic procedures w/o CC	1.7465	8.1	4	18
336	Transurethral prostatectomy with CC	1.1194	5.0	1	13
337	Transurethral prostatectomy w/o CC	0.8025	4.2	2	8
338	Testes procedures, for malignancy	0.7433	2.7	1	13
339	Testes procedures, non-malignancy age >17	0.5752	1.9	1	7
340	Testes procedures, non-malignancy age 0-17	0.4898	1.6	1	4
341	Penis procedures	0.8679	3.2	1	13
342	Circumcision age >17	0.4645	1.4	1	4
343	Circumcision age 0-17	0.7072	2.3	1	19
344	Other male reproductive system O.R. procedures for malignancy	1.0743	3.9	1	15
345	Other male reproductive system O.R. proc except for malignancy	0.8848	3.4	1	19
346	Malignancy, male reproductive system, with CC	1.4125	5.3	1	22
347	Malignancy, male reproductive system, w/o CC	0.6148	2.8	1	13
348	Benign prostatic hypertrophy with CC	0.7065	2.9	1	14
349	Benign prostatic hypertrophy w/o CC	0.5378	2.2	1	7
350	Inflammation of the male reproductive system	0.6765	3.9	1	11
351	Sterilization, male	0.3333	1.6	1	5
352	Other male reproductive system, diagnoses	1.1002	2.6	1	15
353	Pelvic evisceration, radical hysterectomy & radical vulvectomy	1.9418	8.4	3	17
354	Uterine, adnexa proc for non-ovarian/adnexal malig with CC	1.5405	6.8	2	16
355	Uterine, Adnexa proc for non-ovarian/adnexal malig w/o CC	1.0701	5.3	2	10
356	Female reproductive system reconstructive procedures	0.9340	5.0	1	12
357	Uterine & adnexa proc for ovarian or adnexal malig	2.0496	8.0	3	20
358	Uterine & adnexa proc for non-malignancy with CC	1.3018	5.9	2	12
359	Uterine & adnexa proc for non-malignancy w/o CC	0.9793	4.8	2	9
360	Vagina, cervix & vulva procedures	0.6111	2.3	1	8
361	Laparoscopy & incisional tubal interruption	0.6857	2.3	1	9
362	Endoscopic tubal interruption	0.3471	1.2	1	2
363	D&C, conization & radio-implant, for malignancy	0.6354	2.6	1	9
364	D&C, conization except for malignancy	0.4857	1.7	1	5
365	Other female reproductive system O.R. procedures	1.2027	5.1	1	16
366	Malignancy, female reproductive system with CC	1.1959	5.0	1	22
367	Malignancy, female reproductive system w/o CC	0.6099	2.2	1	11
368	Infections, female reproductive system	0.6334	3.5	1	9
369	Menstrual & other female reproductive system disorders	0.4227	2.2	1	7
370	Cesarean section w CC	1.0834	5.4	2	12
371	Cesarean section w/o CC	0.8984	4.6	2	8
372	Vaginal delivery w complicating diagnoses	0.8059	3.6	1	11
373	Vaginal delivery w/o complicating diagnoses	0.4649	2.4	1	5
374	Vaginal delivery w sterilization &/or D&C	0.6705	2.8	1	5
375	Vaginal delivery w O.R. proc except steril &/or D&C	0.6817	4.4	1	15
376	Postpartum & post abortion diagnoses w/o O.R. procedure	0.4681	2.5	1	8
377	Postpartum & post abortion diagnoses w O.R. procedure	0.6229	1.9	1	7
378	Ectopic pregnancy	0.8067	3.7	1	7
379	Threatened abortion	0.3202	2.0	1	7
380	Abortion w/o D&C	0.3200	1.5	1	4
381	Abortion w D&C, aspiration curettage or hysterotomy	0.3639	1.2	1	2
382	False labor	0.1474	1.2	1	2
383	Other antepartum diagnoses w medical complications	0.3547	2.6	1	9
384	Other antepartum diagnoses w/o medical complications	0.3602	2.0	1	8
385	Neonates, died or transferred to another acute care facility				
386	Extreme immaturity or respiratory distress syndrome, neonate				
387	Prematurity w major problems				
388	Prematurity w/o major problems				
389	Full term neonata w major problems				
390	Neonate w other significant problems				
391	Normal newborn	0.1385	2.4	1	6
392	Splenectomy age >17	2.9910	8.5	2	25
393	Splenectomy age 0-17	1.8094	7.6	3	16
394	Other O.R. procedures of the blood and blood forming organs	1.0332	3.1	1	20
395	Red blood cell disorders age >17	0.9747	4.0	1	19
396	Red blood cell disorders age 0-17	0.6563	3.2	1	14
397	Coagulation disorders	0.8276	3.4	1	16
398	Reticulendothelial & immunity disorders with CC	1.3214	5.3	1	20
399	Reticulendothelial & immunity disorders w/o CC	0.7105	3.6	1	16
400	Lymphoma & leukemia w major O.R. procedure	3.6650	8.6	2	25
401	Lymphoma & non-acute leukemia w other O.R. proc w CC	2.1596	6.1	1	23
402	Lymphoma & non-acute leukemia w other O.R. proc w/o CC	1.2066	4.0	1	18
403	Lymphoma & non-acute leukemia w CC	1.7604	5.8	1	22
404	Lymphoma & non-acute leukemia w/o CC	1.0613	3.8	1	20
405	Acute leukemia w/o major O.R. procedure age 0-17	1.6079	5.0	1	21
406	Myeloprolif disord or poorly diff neopl w maj O.R. proc w CC	2.9217	9.3	1	26
407	Myeloprolif disord or poorly diff neopl w major O.R. proc w/o CC	1.5826	6.6	1	23
408	Myeloprolif disord or poorly diff neopl w other O.R. proc	0.9873	3.6	1	16



TABLE 2.—DIAGNOSIS RELATED GROUPS (DRGs), DRG RELATIVE WEIGHTS, GEOMETRIC MEAN LENGTHS-OF-STAY, AND OUTLIER POINTS—Continued

[Effective for discharges on or after Mar. 1, 1988]

DRG No.	Description	Relative weight	Geometric mean LOS	Short-stay cutoff	Long-stay cutoff
409	Radiotherapy.....	0.8861	4.3	1	21
410	Chemotherapy.....	0.6277	2.3	1	8
411	History of malignancy w/o endoscopy.....	0.9813	2.8	1	19
412	History of malignancy w endoscopy.....	0.4186	1.6	1	4
413	Other myeloprolif dis or poorly diff neopl diag with CC.....	1.4033	5.7	1	22
414	Other myeloprolif dis or poorly diff neopl diag w/o CC.....	0.9274	3.8	1	20
415	O.R. procedure for infectious & parasitic disease.....	3.3281	9.5	1	26
416	Septecemia age > 17.....	1.9566	6.4	1	23
417	Septecemia age 0-17.....	0.7825	4.1	1	16
418	Postoperative & post-traumatic infections.....	1.1704	5.4	1	22
419	Fever of unknown origin age > 17 with CC.....	1.1569	5.5	1	17
420	Fever of unknown origin age > 17 w/o CC.....	0.9724	4.7	1	18
421	Viral illness age > 17.....	0.5340	3.0	1	9
422	Viral illness & fever of unknown origin age 0-17.....	0.4115	2.8	1	8
423	Other infections & parasitic diseases diagnoses.....	1.0687	4.3	1	21
424	O.R. procedures w principal diagnoses of mental illness.....				
425	Acute adjust react & disturbances of psychosocial dysfunction.....				
426	Depressive neuroses.....				
427	Neuroses except depressive.....				
428	Disorders of personality & impulse control.....				
429	Organic disturbances & mental retardation.....				
430	Psychoses.....				
431	Childhood mental disorders.....				
432	Other mental disorder diagnoses.....				
433	Alcohol/drug abuse or dependence, left AMA.....				
434	Alc/drug abuse or dependence, detox or other sympt trt with CC.....				
435	Alc/drug abuse or dependence, detox or other sympt trt w/o CC.....				
436	Alc/drug dependence w rehabilitation therapy.....				
437	Alc/drug dependence, combined rehab & detox therapy.....				
438	No longer valid.....				
439	Skin grafts for injuries.....	1.4928	4.7	1	21
440	Wound debridements for injuries.....	1.5140	5.2	1	22
441	Hand procedures for injuries.....	0.9489	2.3	1	10
442	Other O.R. procedures for injuries with CC.....	2.2950	5.9	1	22
443	Other O.R. procedures for injuries w/o CC.....	1.3916	3.5	1	20
444	Multiple trauma age > 17 with CC.....	1.0713	4.2	1	18
445	Multiple trauma age > 17 w/o CC.....	0.8170	3.1	1	16
446	Multiple trauma age 0-17.....	0.6368	2.6	1	16
447	Allergic reactions age > 17.....	0.4895	2.2	1	8
448	Allergic reactions age 0-17.....	0.3013	1.9	1	6
449	Poisoning & toxic effects of drugs age > 17 with CC.....	0.8909	3.3	1	20
450	Poisoning & toxic effects of drugs age > 17 w/o CC.....	0.4673	2.0	1	8
451	Poisoning & toxic effects of drugs age 0-17.....	0.3611	1.7	1	6
452	Complications of treatment with CC.....	1.0685	4.2	1	21
453	Complications of treatment w/o CC.....	0.4628	2.3	1	10
454	Other injury, poisoning & toxic eff diag with CC.....	1.3630	2.5	1	13
455	Other injury, poisoning & toxic eff diag w/o CC.....	0.4459	1.7	1	5
456	Burns, transferred to another acute care facility.....	0.9847	5.3	1	22
457	Extensive burns w/o O.R. procedure.....	2.5317	4.1	1	22
458	Non-extensive burns w skin graft.....	3.0817	10.6	1	27
459	Non-extensive burns w wound debridement or other O.R. proc.....	1.7338	6.2	1	23
460	Non-extensive burns w/o O.R. procedure.....	0.8794	3.8	1	20
461	O.R. proc w diagnoses of other contact w health services.....	0.9312	2.8	1	16
462	Rehabilitation.....	3.1649	18.8	3	35
463	Signs & symptoms w CC.....	0.9325	4.7	1	21
464	Signs & symptoms w/o CC.....	0.5969	3.4	1	14
465	Aftercare w history of malignancy as secondary diagnosis.....	0.3871	1.4	1	3
466	Aftercare w/o history of malignancy as secondary diagnosis.....	0.4861	1.9	1	8
467	Other factors influencing health status.....	0.3411	2.0	1	7
468	Unrelated operating room procedures.....	1.6771	4.7	1	21
469	Principal diagnosis invalid as discharge diagnosis *.....				
470	Ungroupable *.....				
471	Bilateral or multiple major joint procs of lower extremity.....	4.3779	9.4	3	26
472	Extensive burns w O.R. procedure.....	10.7296	17.1	1	35
473	Acute leukemia w/o major O.R. procedure age > 17.....	4.6930	10.2	1	27
474	Respiratory system diagnosis with tracheostomy.....	10.3992	21.7	4	38
475	Respiratory system diagnosis with ventilator support.....	3.2345	8.2	1	25

\* CHAMPUS data was insufficient—Medicare data have been used.

\* DRG 469 and 470 contain cases which could not be assigned to valid DRGs

[FR Doc. 88-4216 Filed 2-29-88; 8:45 am]

BILLING CODE 3810-01-M



### Defense Science Board 1988 Summer Study on Defense Industrial and Technology Base; Meetings

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board 1988 Summer Study on Defense Industrial and Technology Base will meet in closed session on April 13-14, May 17, and June 24, 1988 at the Pentagon, Arlington, Virginia; Lockheed Corporation, Washington, DC; and Lockheed Corporation, Calabasas, California; respectively.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition on scientific and technical matters as they affect the perceived needs of the Department of Defense. At these meetings the Task Force will review trends of the US industry's ability to respond (or surge) in time of crisis or war, recommend improvements, and suggest enhancements to acquisition policy.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. 92-463, as amended (5 U.S.C. App. II, (1982)), it has been determined that these DSB Task Force meetings, concern matters listed in 5 U.S.C. 552b(c)(1) (1982), and that accordingly these meetings will be closed to the public.

Linda M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

February 25, 1988.

[FR Doc. 88-4403 Filed 2-29-88; 8:45 am]

BILLING CODE 3810-01-M

### Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit; Cancellation of Meeting

**ACTION:** Cancellation of meeting.

**SUMMARY:** The meeting notice for the Defense Science Board Task Force on Use of Commercial Components in Military Equipment—Revisit for March 11, 1988 as published in the *Federal Register* (Vol 53, No. 14, Page 1815, Friday, January 22, 1988, FR Doc 88-1315.) has been cancelled.

L.M. Bynum,

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

February 25, 1988.

[FR Doc. 88-4404 Filed 2-29-88; 8:45 am]

BILLING CODE 3810-01-M

### Department of the Army

#### Army Science Board; Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Committee Meeting:

*Name of the Committee:* Armed Science Board (ASB).

*Date of Meeting:* 21 March 1988.

*Time of Meeting:* 0900-1600 hours, 21 March 1988.

*Place:* TRADOC Headquarters, Fort Monroe, VA.

*Agenda:* The Army Science Board Ad Hoc Subgroup for Army Analysis will meet for briefings by TRADOC agencies. This meeting will be closed to the public in accordance with section 552b(c) of Title 5, U.S.C., specifically subparagraph (1) thereof, and Title 5, U.S.C., Appendix 2, subsection 10(d). The classified and unclassified matters and proprietary information to be discussed are so inextricably intertwined so as to preclude opening any portion of the meeting. Contact the Army Science Board administrative Officer, Sally Warner, for further information at (202) 695-3039 or 695-7046.

Sally A. Warner,

*Administrative Officer, Army Science Board.*

[FR Doc. 88-4292 Filed 2-29-88; 8:45 am]

BILLING CODE 3710-08-M

### Corps of Engineers, Department of the Army

#### Pershing Missiles Elimination, Pueblo, CO, et al.; Finding of No Significant Impact

**AGENCY:** Corps of Engineers, DOD.

**ACTION:** Notice of finding.

**SUMMARY:** The Department of Defense (DOD) will be required to eliminate two types of missile systems under the terms of the Intermediate-Range Nuclear Forces Treaty. The elimination of the Air Force's Ground Launched Cruise Missiles by removing the liquid fuel and cutting up the missile is a routine operation without potential for significant impacts.

The elimination of the Army's solid-fueled Pershing Missiles, using the Treaty's prescribed methods of explosive demolition or burning, has been analyzed for potential environmental effects at each of four candidate locations: Pueblo Army Depot Activity near Pueblo in eastern Colorado; Tooele Army Depot, near Salt Lake City, Utah; Hercules Aerospace, Inc., Tekoi Test Range, southwest of Tooele, Utah and Longhorn Army Ammunition Plant, near Marshall in

eastern Texas. The analysis documented in an Environmental Assessment is summarized here.

In the explosive demolition method, the rocket motor is placed in a pit, ruptured by an explosive. The propellant is then allowed to burn. The alternative method is to fasten the rocket motor to a stand and ignite it in the normal manner. Although either method of destruction produces air emissions (principally of interest are carbon monoxide, hydrogen chloride and aluminum oxide), these emissions would be so thoroughly dispersed at all locations, that ground level concentrations would be far below the regulatory limits. Similarly, the noise of motor demolition or firing is expected to be well below regulatory criteria. The Army would only conduct these operations under weather conditions that would facilitate rapid dispersion of air emissions and attenuation of noise.

Some land (several tens of acres) will be disturbed at each site used, with some potential effects on soil drainage and ecological resources. The communities near the candidate locations will potentially gain several dozen direct and indirect ("spinoff") jobs from this project over a period of approximately three years. This will not induce significant impacts on the communities.

At the four candidate locations, these potential effects are expected to be inherently insignificant in the context of the existing resources, or capable of being effectively prevented or mitigated. Further analysis should the Treaty be ratified will enable appropriate mitigation to be developed and implemented (for example, by avoiding or carefully recovering any archaeological resources that may be discovered).

Based on these analyses, the Department of Defense has concluded that the proposed elimination of Pershings and Ground Launched Cruise Missiles can be conducted in a manner that will avoid significant impacts on the environment. Therefore, a Legislative Environmental Impact Statement is not planned. However, further environmental study would be useful in the planning and implementation of this program. Therefore, in accordance with Department of Defense and Department of the Army policy, study will continue in order to evaluate the available options (methods and locations) in consideration of the Department's commitment to environmental quality.

Request for copies of the Environmental Assessment should be addressed to the following:



Commander, U.S. Army Missile  
Command, Attn: Public Affairs  
Officer, Redstone Arsenal, AL 35898  
Commander, Davis-Monthan Air Force  
Base, 836D/PA, Davis-Monthan AFB,  
AZ 85707-5000

Commander, Longhorn Army  
Ammunition Plant, Attn: SMCLO-IM,  
Marshall, TX 75671-1059

Commander, Pueblo Army Depot  
Activity, Attn: Public Affairs Officer,  
Pueblo, CO 31001

Commander, Tooele Army Depot, Attn:  
SDSTE-PAO, Tooele, UT 84074-5025.

Kenneth L. Denton,

Department of the Army, Alternate Liaison  
Officer With the Federal Register.

[FR Doc. 88-4380 Filed 2-29-88; 8:45 am]

BILLING CODE 3710-08-M

## DEPARTMENT OF EDUCATION

[CFDA No. 84.064]

### Invitation for Applications for New Awards Under the Veterans Education Outreach Program for Fiscal Year 1988

*Purpose:* Provides funds to institutions  
of higher education to support offices of  
veterans' affairs that provide outreach  
and recruitment activities, counseling  
and tutorial services, and special  
programs for disabled, incarcerated and  
educationally disadvantaged veterans.

*Deadline for Transmittal of*

*Applications:* May 20, 1988.

*Applications Available:* April 11, 1988.

*Available Funds:* \$2,872,000.

*Estimated Range of Awards:* \$1,000-  
\$50,000.

*Estimated Average Size of Awards:*  
\$4,600.

*Estimated Number of Awards:* 625.

*Project Period:* 12 to 24 months.

*Applicable regulations:* (a) The  
Veterans Education Outreach Program  
regulations, 34 CFR Part 629. Final  
regulations for this program were  
published in the Federal Register on  
August 11, 1987 (52 FR 29824), and (b)  
The Education Department General  
Administrative Regulations, 34 CFR  
Parts 74, 75, 77, and 78.

*For Applications or Information*  
*Contact:* Neil McArthur or Charles I.  
Griffith, U.S. Department of Education,  
400 Maryland Avenue SW., Room 3022,  
ROB-3, Mail Stop 3327, Washington, DC  
20202. Telephone: (202) 732-4406 or 732-  
4389.

*Program Authority:* 20 U.S.C. 1070e-1.

*Dated:* February 16, 1988.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary  
Education.

[FR Doc. 88-4381 Filed 2-29-88; 8:45 am]

BILLING CODE 4000-01-M

[CFDA Nos. 84.128A and 84.128B]

### Extension of the Closing Date for Transmittal of Applications for New Awards Under Rehabilitation Services Projects for Fiscal Year 1988

*Deadline for Transmittal of*  
*Applications:* The closing date for  
applications is extended from March 15,  
1988 to March 30, 1988.

On January 20, 1988, a Notice was  
published that established the closing  
date for transmittal of applications for  
the fiscal year 1988 competitions under  
the following programs: (1) The Program  
of Special Projects and Demonstrations  
for Providing Vocational Rehabilitation  
Services to Severely Disabled  
Individuals, and (2) Projects With  
Industry (53 FR 1592). Detailed  
information concerning these programs  
is included in that Notice. The purpose  
of this Notice is to extend the closing  
date for transmittal of applications due  
to a delay in the availability of  
application packages.

*For Applications or Further*  
*Information Contact:* Mary Vest, Office  
of Developmental Programs,  
Rehabilitation Services Administration,  
U.S. Department of Education, 400  
Maryland Avenue, SW., Room 3332,  
(Switzer Building, M/S-2312),  
Washington, DC 20202. Telephone: 732-  
1343.

*Program Authority:* 29 U.S.C. 777a(a)(1),  
and 795g.

*Dated:* February 25, 1988.

Madeleine Will,

Assistant Secretary, Office of Special  
Education and Rehabilitation Services.

[FR Doc. 88-4338 Filed 2-29-88; 8:45 am]

BILLING CODE 4000-01-M

### Fund for the Improvement of Postsecondary Education Lectures Program; Fiscal Year 1988

**AGENCY:** Department of Education.

**ACTION:** Notice of final priority for the  
fund for the improvement of  
Postsecondary Education (FIPSE)  
Lectures Program for Fiscal Year 1988.

**SUMMARY:** The Secretary issues a final  
priority for a Lectures Program to be  
conducted by the Fund for the  
Improvement of Postsecondary  
Education (FIPSE) on important issues in  
postsecondary education.

**EFFECTIVE DATE:** This priority takes  
effect either 45 days after publication in  
the Federal Register or later if Congress  
takes certain adjournments. If you want  
to know the effective date of this  
priority, call or write the Department of  
Education contact person.

### FOR FURTHER INFORMATION CONTACT:

Brian Lekander, Fund for the  
Improvement of Postsecondary  
Education, Office of Postsecondary  
Education, (Room 3100, ROB-3),  
Department of Education, 400 Maryland  
Avenue SW., Mail Stop 3331,  
Washington, DC 20202, Telephone  
number (202) 245-8091.

### SUPPLEMENTARY INFORMATION: On

October 21, 1987, the Secretary  
published a notice of proposed funding  
priority for the FIPSE Lectures Program  
for Fiscal Year 1988 in the Federal  
Register (52 FR 39268). No changes have  
been made between the notice of  
proposed funding priority and this final  
notice. Grants for the FIPSE Lectures  
Program are authorized by Title X of the  
Higher Education Act of 1965, as  
amended (20 U.S.C. 1135a-3). Program  
regulations are established at 34 CFR  
Part 630. This program will be conducted  
as a Special Focus competition under 34  
CFR 630.11(b)(1). The purpose of the  
FIPSE Lectures Program is to provide  
modest sponsorship for promising work  
on key issues in postsecondary  
education, and to promote  
dissemination and discussion of this  
work among educational leaders, policy  
makers, faculty, students, and the  
general public.

The program will enable individuals  
to devote at least a month to the  
development of ideas for presentation in  
lecture form at educational and other  
conferences, or in the context of  
established lecture programs such as  
those at colleges and universities.

### Analysis of Comments and Changes

During the 30-day public comment  
period, the Fund received one letter of  
comment regarding the FIPSE Lectures  
Program. It is summarized and answered  
below.

*Comment:* The commenter suggested  
that the title be changed to "FIPSE  
Colloquium Program" and that the  
format be broadened to include  
presentations such as seminars, panel  
discussions, and debates.

*Discussion:* Seminars, panel  
discussions, and debates are all eligible  
for support provided they meet the other  
stated purposes of the program.

*Changes:* None.

*Priority:* In accordance with  
Education Department General  
Administrative Regulations (EDGAR) at  
34 CFR 75.105(c)(3), under this final  
priority the Secretary will give an  
absolute preference to applications that  
will carry out the FIPSE Lectures  
Program.

(20 U.S.C. 1135a-3)



(Catalog of Federal Domestic Assistance No. 84.116G Fund for the Improvement of Postsecondary Education)

Dated: February 9, 1988.

William J. Bennett,

Secretary of Education.

[FR Doc. 88-4340 Filed 2-29-88; 8:45 am]

BILLING CODE 4000-01-M

## DEPARTMENT OF ENERGY

### Economic Regulatory Administration

[ERA Docket No. 87-65-NG]

#### Bishop Pipeline Corp., Inc.; Order Granting Blanket Authorization To Import Natural Gas

**AGENCY:** Economic Regulatory Administration, DOE.

**ACTION:** Notice of order granting blanket authorization to import natural gas.

**SUMMARY:** The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) gives notice that it has issued an order granting Bishop Pipeline Corporation, Inc. (Bishop Pipeline), blanket authorization to import natural gas. The order issued in ERA Docket No. 87-65-NG authorizes Bishop Pipeline to import up to 36.5 Bcf of natural gas from Canada over two-year period beginning on the date of first delivery.

A copy of this order is available for inspection and copying in the Natural Gas Division Docket Room, GA-076, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 24, 1988.

Constance L. Buckley,

Director, Natural Gas Division, Office of Fuels Programs, Economic Regulatory Administration.

[FR Doc. 88-4402 Filed 2-29-88; 8:45 am]

BILLING CODE 6450-01-M

### Federal Energy Regulatory Commission

[Docket Nos. CI88-282-000 et al.]

#### John H. Hendrix Corp. et al.; Applications for Certificates, Abandonment of Services and Petitions To Amend Certificates<sup>1</sup>

February 24, 1988.

Take notice that each of the Applicants listed herein has filed an

<sup>1</sup>This notice does not provide for consolidation for hearing of the several matters covered herein.

application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before March 8, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-282-000, D, Feb. 2, 1988.....	John H. Hendrix, Corporation, et al., 525 Midland Tower, Midland, Texas 79701	Texaco Producing Inc., Sec 14-T22S-R37E, Lea County, New Mexico.	(2)
CI61-618-000, D, Feb. 2, 1988.....	Sohio Petroleum Company P.O. Box 4587, Houston, Texas 77210.	Natural Gas Pipeline of America, N.E. Thompsonville Field, Webb County, Texas.	(3)
CI80-209-000, F, Feb. 2, 1988.....	Perry R. Bass, First City Bank Tower, 201 Main Street, Fort Worth, Texas 76102.	Trunkline Gas Company, Riceville Field, Vermilion Parish, Louisiana.	(4)
G-11414-002, D, Feb. 5, 1988.....	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Dallas, Texas 75221	Northern Natural Gas Company, Division of Enron Corp., El Dorado Gas Plant, Schleicher County, Texas.	(5)
G-11028-000, D, Feb. 8, 1988.....	do.....	Williams Natural Gas Company, North Norman Field, Cleveland County, Oklahoma.	(6)
CI65-421-000, D, Feb. 8, 1988.....	do.....	KN Energy, Inc., Bradshaw Field, Hamilton County, Kansas.	(6)
CI88-295-000, B, Feb. 8, 1988.....	Mobil Exploration & Producing North America Inc., Nine Greenway Plaza, Suite 27, Houston, Texas 77046.	Tennessee Gas Pipeline Company, Division of Tenneco Inc., Grand Isle Block 72 Field, Offshore Louisiana.	(7)
CI88-292-000-(CI80-46) B, Feb. 4, 1988.....	Pogo Producing Company, P.O. Box 61289, Houston, Texas 77208-1289.	ANR Pipeline Company, High Island Block 273, Offshore Texas.	(8)
CI88-275-000, F, Jan. 29, 1988.....	Coastal Oil & Gas Corporation, Nine Greenway Plaza, Houston, Texas 77046.	Colorado Interstate Gas Company, Greenwood Field, Morton County, Kansas.	(9)
CI88-88-281, 000 (CI79-55), B, Feb. 2, 1988.....	Pogo Producing Company, P.O. Box 61289, Houston, Texas 77208-1289.	United Gas Pipe Line Company, High Island Block 273, Offshore Texas.	(10)
CI86-503-001, E, Feb. 1, 1988.....	Sonat Marketing Company, P.O. Box 2563, Birmingham, AL 35202-2563.	Various Purchasers, Various Locations.....	(11)
CI88-290-000, B, Feb. 4, 1988.....	J. M. Huber Corporation, 2000 West Loop South, Houston, Texas 77027	Texas Eastern Transmission Corporation, Coteau Frene Field, Assumption Parish, Louisiana.	(12)
CI88-285-000 (CI68-134, B, Feb. 1, 1988.....	Exxon Corporation, P.O. Box 2180, Houston, TX 77252-2180.	Texas Eastern Transmission Corporation, Coteau Frene Field, Assumption Parish, Louisiana.	(12)
CI88-283-000, B, Feb. 1, 1988.....	Burk Royalty Co., P.O. Box BRC, Wichita Falls, TX 76307-7507	Texas Eastern Transmission Corporation, Old Waverly Field, San Jacinto County, Texas.	(14)
CI88-286-000, B, Feb. 2, 1988.....	Ogle Production Corporation, 5464 Carpinteria Avenue, Carpinteria, CA 93013.	Transcontinental Gas Pipe Line Corporation, High Island Area Block A-508 Field, OCS-G-3245, Offshore Texas.	(15)



Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-276-000, F, Feb. 1, 1988.....	Mobil Oil Exploration & Producing Southeast Inc., Nine Greenway Plaza, Suite 2700, Houston, Texas 77046-0957.	Transcontinental Gas Pipe Line Corporation, Garcia, et al., Fields, Starr & Jim Hogg Counties, Texas.	(17)

<sup>1</sup> Applicants operate under the following small producer certificates: John H. Hendrix Corporation Docket No. CS77-394, Michael L. Klein Docket No. CS76-192, Ronnie H. Westbrook Docket No. CS86-36, and Daniel L. Veirs Docket No. CS87-36.

<sup>2</sup> Applicants request permanent abandonment of all the non-producing zones' well bore intervals in the Parks #2, #3, #10 and #12 wells which are dedicated to Texaco Producing, Inc., under a November 10, 1983, percentage-of-proceeds contract. Applicants also request a two-year pregranted abandonment for sales for resale in interstate commerce of gas that may be produced from the released zones under Applicant's small producer certificates. Applicants state that they signed an agreement with Texaco releasing the non-producing/undeveloped zones/intervals in the Parks #2, #3, #10 and #12 wells.

<sup>3</sup> Shio Petroleum Company assigned 75% working interest in the Bruni Gas Unit #1 to Everett Lawley, Jr., and Ken Boester effective 8-1-87.

<sup>4</sup> Effective 10-1-87 Chevron U.S.A. Inc. partially assigned to Bass Enterprises Production Co. (BEPCO) certain interests in oil and gas leases in the Riceville Field and effective 11-2-87 BEPCO assigned its interests to Bass Partnership.

<sup>5</sup> Applicant requests permanent abandonment of a sale of residue gas to Northern attributable to gas purchased from one of its producer supplies. The producer supplying Applicant's plant has terminated the percentage-of-proceeds type contract with Applicant.

<sup>6</sup> By assignment effective 1-1-87 ARCO assigned certain acreage to Hondo Oil & Gas Company.

<sup>7</sup> The production ceased and the lease was canceled.

<sup>8</sup> Reserves are depleted and production has ceased. All wells are approved for plugging and abandonment, and the lease has terminated.

<sup>9</sup> By assignment effective 11-1-87 CNG Producing Company assigned certain acreage to Coastal.

<sup>10</sup> The reserves are depleted and production from the High Island Block 273, OCS-G-2398, has ceased. All wells have been approved for plugging and abandonment. The lease has terminated.

<sup>11</sup> Effective 1-1-88 the assets and business operations of SNG Trading Inc. were merged into Sonat Marketing Company. Sonat Marketing Company requests that SNG Trading's certificate be amended to reflect Sonat Marketing Company as the certificate holder effective 1-1-88. In addition Sonat Marketing Company requests that this change in name be noted in all pending proceedings before the Commission in which SNG Trading is a party.

<sup>12</sup> Applicant requests permanent abandonment of a sale of gas to Texas Eastern. Applicant states that the contract expired of its own terms in July 1987. Applicant states that deliverability is 1,435 Mcf per day of NGPA section 104 flowing gas.

<sup>13</sup> The primary term of the contract has expired, and deliveries of gas under the certificate and rate schedule have ceased.

<sup>14</sup> F.S. Browder #1 well was plugged and abandoned 2-17-86, and Johnson "N" #1 well was plugged and abandoned on 2-10-86. No future development is planned and acreage has been released.

<sup>15</sup> The wells have been plugged and abandoned. The platform has been sold and is in the process of being removed from the lease.

<sup>16</sup> By assignment effective 2-1-87 Sun Operating Limited Partnership assigned certain acreage to MOEPSI.

<sup>17</sup> Leases have expired.

Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-4328 Filed 2-29-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI77-854-003, et al.]

**Sonat Exploration Co., et al.;  
Applications for Certificates,  
Abandonments of Service and  
Petitions to Amend Certificates <sup>1</sup>**

February 25, 1988.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and petitions which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 10, 1988, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules

of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,  
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Description
CI77-854-003, B, Jan. 20, 1988 ....	Sonat Exploration Company, P.O. Box 1513, Houston, TX, 77251-1513.	Transcontinental Gas Pipe Line Corporation, Ship Shoal Block 28, Offshore Louisiana.	(1)
CI85-327-001, B, Jan. 20, 1988 ....	.....do.....	Leleux Field, Vermilion Parish, Louisiana.....	(1)
CI85-333-001, B, Jan. 20, 1988 ....	.....do.....	Vermilion Block 22, Offshore Louisiana.....	(1)
CI87-807-001, B, Jan. 20, 1988 ....	.....do.....	West Cameron Block 65, Offshore Louisiana.....	(1)
CI88-261-000, A, Jan. 20, 1988 ....	.....do.....	Various Purchasers, Leleux Field, Vermilion Parish, Louisiana and Ship Shoal Block 22, and West Cameron Block 65, Offshore Louisiana.	(2)
CI88-168-000, B, Dec. 7, 1987.....	Bogert Oil Company, 2601 N.W. Expressway, Suite 1000W, Oklahoma City, OK 73112.	Arkla Energy Resources, a Division of Arkla, Inc., Sec. 4-18N-12W, Carleton N.E. Field, Blaine County, Oklahoma.	(3)
G-18549-002, D, Feb. 10, 1988.....	Sun Exploration & Production Co., P.O. Box 2880, Houston, TX 75221-2880.	Northern Natural Gas Company, Division of Enron Corp., Blinbry Field, Lea County, New Mexico.	(4)
CI61-1429-011, D, Feb. 10, 1988..	Sun Exploration & Production Co. ....	El Paso Natural Gas Co., Henderson Field, Winkler County, Texas.	(5)
CI61-1429-012, D, Feb. 10, 1988..	.....do.....	South Leonard et al., Fields, Lea County, New Mexico.....	(6)
CI61-1429-013, D, Feb. 10, 1988..	.....do.....	Jalmat, et al., Fields, Lea County, New Mexico.....	(6)
CI75-248-001, D, Feb. 10, 1988....	.....do.....	Panhandle Eastern Pipe Line Company, Six Mile Field, Beaver County, Oklahoma.	(7)
CI72-737-001, Feb. 10, 1988.....	ARCO Oil and Gas Company, Division of Atlantic Richfield Company, P.O. Box 2819, Houston, Texas 75221.	Caprock Pipeline Company, Bobbit Field, Carson County, Texas.	(8)



Docket No. and date filed	Applicant	Purchaser and location	Description
CI88-301-000, B, Feb. 11, 1988	Cities Service Oil and Gas Corporation, P.O. Box 300, Tulsa, OK 74102.	Colorado Interstate Gas Company, Sec. 23-32S-32W, Seward County, Kansas.	(10)
G-17239-001, F, Feb. 11, 1988	do	Texas Eastern Transmission Corporation, May Field Unit, Kleberg County, Texas.	(11)
CI88-293-000, B, Feb. 5, 1988	Crawley Petroleum Corporation	Arkla Energy Resources, a Division of Arkla, Inc., Lucy Dierksen #2 Well N. Drummond Field, Garfield County, Oklahoma.	(12)
CI88-297-000, D, Feb. 8, 1988 <sup>14</sup>	Eakin Brothers, P.O. Box 189, Amarillo TX 79105	Williams Natural Gas Company, Anderson Well, Sec. 203, H&GN Survey, Gray County, Texas.	(12)
CI88-303-000, F, Feb. 12, 1988	Northern Michigan Exploration Company, P.O. Box 1150, Jackson, Michigan 49204.	Tennessee Gas Pipeline Company, a Division of Tenneco Inc., Atchafalaya Bay Field, 18S-9E and 18S-10E, St. Mary & Terrebonne Parishes, Louisiana.	(13)

## Footnotes:

- <sup>1</sup> Sonat requests permanent abandonment of sales of gas to Transco.
- In support of its application, Sonat states that Transco no longer has need for the gas. By letter dated April 7, 1987, Transco notified Sonat that the subject contracts are considered terminated effective May 8, 1987. Sonat states that the deliverability is approximately 4,714 Mcf/day and that the gas is NGPA section 106, 104, 102(d) and 107 gas. Sonat plans to sell in the spot market under certificate authorization in Docket No. CI88-261-000.
- <sup>2</sup> Sonat requests a three-year blanket limited-term certificate with pregranted abandonment to make sales for resale in interstate commerce of the gas which is released and subject to the abandonment in Docket Nos. CI77-854-003, CI85-327-001, CI85-333-001 and CI87-807-001.
- <sup>3</sup> The application was previously noticed on 1-6-88 (53 Fed. Reg. 278). In addition to a permanent abandonment request, Applicant now requests, by letter received 2-11-88, three-year pregranted abandonment to sell the released gas for resale in interstate commerce under its small producer certificate in Docket No. CS84-119-000.
- <sup>4</sup> Effective 1-1-84, Sun assigned its interest in Property No. 456608, Elliott A 15-6, to Blanco Engineering, Inc.
- <sup>5</sup> Effective 12-1-82, Sun assigned its interest in Lease No. T20648, Mary J. Leck, a feme sole, from surface to 3,300 feet, to Olsen Energy, Inc.
- <sup>6</sup> Effective 9-1-83, Sun assigned its interest in Property No. 760421, Winningham, with depth limitations, to James A. Davidson.
- <sup>7</sup> Effective 11-1-83, Sun assigned its interest in Property No. 807225, Baxter Unit Well No. 1, and Property No. 807226, Baxter Unit Well No. 2, to Crawley Petroleum Corporation.
- <sup>8</sup> Effective 1-1-87, ARCO assigned its interest in certain acreage to Hondo Oil and Gas Company.
- <sup>9</sup> Applicant states that the subject lease is uneconomical to produce and no further drilling is planned. Applicant therefore states that plugging and abandonment of the only well on the lease is planned.
- <sup>10</sup> Not used.
- <sup>11</sup> Applicant acquired 5.671% working interest in certain acreage from Mobil Producing Texas & New Mexico Inc., effective 9-1-87.
- <sup>12</sup> Applicant requests authorization to release gas from dedication to Williams Natural Gas Company for use by EAKIN BROTHERS as irrigation pump fuel.
- <sup>13</sup> Applicant states that the volume to be released is a maximum of 15,000 Mcf per year.
- <sup>14</sup> Effective 5-1-87, Northern Michigan Exploration Company acquired certain acreage from Graham Energy Ltd., and St. Paul Oil and Gas Corporation.
- <sup>15</sup> Additional information received February 18, 1988.
- <sup>16</sup> Crawley requests permanent abandonment of sales of gas from its interest to Arkla.
- In support of its application, Crawley states it purchased the subject acreage by assignment dated December 1, 1986, from Apache Corporation which in turn had acquired the acreage from Harper Oil Company. Crawley avers that there have been no gas sales by Apache or Crawley from the subject well. By letter agreement dated September 27, 1985, Harper and Arkla agreed to release the subject gas from their contract. According to Crawley, Exxon Company U.S.A. has been taking the gas from the other interest owners which has created a great imbalance in production. Crawley states that the well is being drained by the other interest owners. Therefore, Crawley is requesting that the abandonment be granted as soon as possible. Crawley proposes to sell its interest to Exxon pursuant to its small producer certificate in Docket No. CS77-242. Crawley states that the deliverability is approximately 1,600 Mcf/month and the gas is NGPA section 106(a) gas.
- Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 88-4394 Filed 2-29-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI85-692-004, et al.]

**Cities Service Oil and Gas Corp. et al.;  
Application for Extension of Blanket  
Limited-Term Abandonments and  
Certificates With Pregranted  
Abandonment<sup>1</sup>**

February 24, 1988.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.

the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term abandonment and certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1988, to extend such authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 8, 1988, file with the Federal Energy Regulatory Commission, Washington,

DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

**Lois D. Cashell,**  
Acting Secretary.

Docket No. and date filed	Applicant	Requested term of extension
CI85-692-004, Feb. 8, 1988	Cities Service Oil and Gas Corporation, CanadianOxy Offshore Production Co., and Oxy Cities Service NGL Inc., 110 West 7th Street, Tulsa, Oklahoma 74119.	2 years.
CI87-292-001 Feb. 8, 1988	Mobil Oil Corporation, Mobil Oil Exploration & Producing Southeast Inc., Mobil Producing Texas & New Mexico Inc. and Mobil Exploration and Producing North America Inc., 9 Greenway Plaza, Suite 2700, Houston, Texas 77046.	5 years.



Docket No. and date filed	Applicant	Requested term of extension
C187-375-001, Feb. 9, 1988	The Louisiana Land and Exploration Company and LLOXY Holdings, Inc., 909 Poydras Street, P.O. Box 60350, New Orleans, Louisiana 70160.	3 years.
C187-399-001, Feb. 11, 1988	Union Oil Company of California and Union Exploration Partners, Ltd., 1201 West 5th Street, Room 904, Los Angeles, California 90017.	3 years.

[FR Doc. 88-4326 Filed 2-29-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. RP85-125-006]

**Distrigas of Massachusetts Corp.;  
Filing of Compliance Tariff Sheets**

February 24, 1988.

Take notice that on February 18, 1988, Distrigas of Massachusetts Corporation ("DOMAC") tendered for filing the below listed tariff sheets to be a part of its FERC Gas Tariff, First Revised Volume No. 1:

Original Sheet No. 16  
Substitute Eighth Revised Sheet No. 17  
Substitute Second Revised Sheet No. 17A  
Sheet No. 21  
Substitute Fourth Revised Sheet No. 19  
Substitute Original Sheet No. 20  
Sheet No. 18  
Substitute First Revised Sheet No. 22  
Substitute First Revised Sheet No. 23  
Substitute First Revised Sheet No. 24

DOMAC states that the tariff sheets are submitted in compliance with Commission Opinion No. 291 issued November 23, 1987 in Docket No. RP85-125-000 and the Commission's Order Granting Stay of February 9, 1988, which permitted these tariff sheets to be refiled and the rates to go into effect, subject to refund and the conditions therein stated. DOMAC also states that the submission of this compliance filing is without prejudice to DOMAC's positions on rehearing of the November 23, 1987 Opinion or to any position DOMAC may take in further proceedings.

A copy of the filing was mailed to DOMAC's jurisdictional customers and all parties set out on the office service list in Docket No. RP85-125-000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with §§ 385.214 and 385.211. All such motions or protests must be filed on or before March 2, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to

become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-4327 Filed 2-29-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. G-17350-007]

**Pacific Gas Transmission Co.; Revision to Exhibit "A" of Executed Service Agreement To Reflect Extended Export and Import Authorizations**

February 24, 1988.

Take notice that on February 17, 1988, Pacific Gas Transmission Company (PGT) tendered for filing an Eighth Revision to Exhibit "A" of an executed service agreement with Pacific Gas and Electric Company pursuant to § 154.63(b)(2) of the Commission's Regulations, 18 CFR § 154.63(b)(2).

PGT states that it has full extending certification from the Commission for the volumes of gas in the revision to Exhibit "A" No change is being proposed in authorized quantities. PGT further states that Exhibit "A" is being revised to incorporate certain export license extensions previously issued by the National Energy Board of Canada to PGT's Canadian supplier, Alberta and Southern Gas Co. Ltd. and certain related extension of PGT's import permits issued by the Economic Regulatory Administration.

PGT also states that the revised volumes of natural gas set forth in Exhibit "A" are subject to the existing provisions of the PGT-PG&E Service Agreement.

PGT has requested that it filing become effective on March 1, 1988, and asks that the Commission shorten the notice requirements in its Regulations, 18 CFR Part 154, to allow the Eighth Revision of Exhibit "A" to be effective without suspension, on such date. PGT advises that copies of its filing have been mailed to its permanently certificated customers and to interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with section 214 and 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.214 and 385.211). All such motions or protests should be filed on or before March 2, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

*Acting Secretary.*

[FR Doc. 88-4329 Filed 2-29-88; 8:45 am]  
BILLING CODE 6717-01-M

[Docket No. SA88-5-000]

**Red River Pipeline; Petition for Adjustment**

Issued February 24, 1988.

On January 15, 1988, Red River Pipeline (Red River) filed a petition for adjustment under section 502(c) of the Natural Gas Policy Act of 1978 (NGPA) with the Federal Energy Regulatory Commission (Commission). Red River seeks adjustment relief from § 284.123(b)(1)(ii) of the Commission's regulations so it can use its existing intrastate transportation rate instead of the city-gate rate as the applicable rate for transportation service under section 311 of the NGPA and the open access provisions of Order Nos. 436 and 500. Red River's intrastate rate is part of its tariff filed with the Railroad Commission of Texas (RRC).

Red River states that it operates an intrastate pipeline in Texas, and that it performs intrastate transportation services for local distribution companies served by interstate pipelines pursuant to section 311(a)(2) of the NGPA. Further, Red River states that it will occasionally negotiate special discount rates for its section 311 transactions, and will use its existing just and reasonable intrastate rate, as determined by the RRC, as the



maximum rate from which such special rates would be discounted under Commission Order Nos. 436 and 500. It asserts that it has no city-gate rate by which it can satisfy the requirements of § 284.123(b)(1)(ii) and thus seeks adjustment relief to use its existing, cost-based intrastate rate currently on file with the RRC. If adjustment relief is granted, Red River states that it will promptly request the RRC to issue a determination that its intrastate rate is cost-based.

If adjustment relief is denied, Red River states that it will be required to seek Commission approval of its rate with the filing of each initial report for new services. Moreover, Red River asserts that such requirement, with the concomitant \$4,900 filing fee for new service, will cause special hardship, inequity, and an unfair distribution of burdens.

The procedures applicable to the conduct of this adjustment proceeding are found in Subpart K of the Commission's Rules of Practice and Procedure (18 CFR 385.1101 *et seq.* (1987)). Any person desiring to participate in this proceeding must file a motion to intervene in accordance with the provisions of Subpart K within 15 days after publication of this notice in the **Federal Register**. Red River's petition is on file with the Commission and available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-4330 Filed 2-29-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CI86-503-002 *et al.*]

**Sonat Marketing Co. *et al.*;  
Applications for Extension of Blanket  
Limited-Term Certificates With  
Preganted Abandonment<sup>1</sup>**

February 24, 1988.

Take notice that each Applicant listed herein has filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for amendment of its blanket limited-term certificate with pregranted abandonment previously issued by the Commission for a term expiring March 31, 1988, to extend such authorization for the term listed herein, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said

applications should on or before March 8, 1988, file with the Federal Energy Regulation Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell,

Acting Secretary.

Docket No. and date filed	Applicant	Requested term of extension
CI86-503-002, 2-9-88	Sonat Marketing Company (formerly SNG Trading, Inc.), P.O. Box 2563, Birmingham, Alabama, 35202-2563.	3 Years.
CI87-254-002, 2-11-88	Salmon Resources Ltd., Irongate IV, 777 South Wadsworth Blvd., Suite 114, Lakewood, Colorado 80226.	3 Years.
CI87-295-001, 2-12-88	Gulf Energy Marketing Company, Suite 1780, 1200 Smith Street, Houston, Texas 77002.	3 Years.
CI87-497-001, 2-10-88	Reliance Gas Marketing Company, 2 1050-17th Street, Denver, Colorado 80265.	3 Years.
CI87-498-001, 2-11-88	PSI, Inc. (formerly PeopleService, Inc.), 1044 North 115th Street, Suite 400, Omaha, Nebraska 68154.	3 Years.
CI87-910-001, 2-9-88	Catamount Natural Gas, Inc., Harbor Executive Park, 151 Everett Avenue, Chelsea, Massachusetts 02150.	3 Years.

<sup>1</sup> Applicant also requests such authorization on behalf of producer suppliers selling gas to and/or through Applicant.

<sup>2</sup> Applicant also requests limited-term abandonment authorization on behalf of producers to the extent the purchaser has released such gas.

[FR Doc. 88-4331 Filed 2-29-88; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. RP88-58-000]

**Williams Natural Gas Co.; Proposed  
Changes in FERC Gas Tariff**

February 24, 1988.

Take notice that on February 19, 1988, Williams Natural Gas Company (WNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets:

*To be effective November 1, 1987*

Substitute Original Sheet Nos. 92, 93, and 95

Substitute First Revised Sheet Nos. 2, 91, and 94

*To be effective January 1, 1988*

Original Sheet No. 100

Alternate Original Sheet Nos. 97-99

Alternate Second Revised Sheet No. 2

WNG states that these tariff sheets are filed in order to implement a mechanism which will allow it to collect the higher gas cost which may result from the Court's decision in *Martin Exploration Management Co. v. FERC*, 813 F. 2d 1059 (10th Cir. 1987).

Any person desiring to be heard or to protest said filing should file a motion to intervene or protests with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, DC 20426, in accordance with §§ 385.211 and 385.214. All such motions or protests should be filed on or before March 2, 1988. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 88-4332 Filed 2-29-88; 8:45 am]

BILLING CODE 6717-01-M

**ENVIRONMENTAL PROTECTION  
AGENCY**

[FRL-3335-7]

**California State Motor Vehicle  
Pollution Control Standards;  
Amendments Within the Scope of  
Previous Waivers of Federal  
Preemption: Summary of  
Determination**

**AGENCY:** Environmental Protection Agency (EPA).

<sup>1</sup> This notice does not provide for consolidation for hearing of the several matters covered herein.



**ACTION:** Notice of scope of waiver of Federal preemption.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to its hydrocarbon (HC) exhaust emission standards for 1984 and subsequent model year Class III motorcycles and to its evaporative emission standards and test procedures for small and very small volume manufacturers. I find these amendments to be within the scope of previous waivers of Federal preemption granted to California for its motorcycle exhaust and evaporative emission standards and enforcement procedures.

**DATES:** Any objection to the findings in this notice must be filed on or before March 31, 1988. Otherwise, at the expiration of this 30 day period, these findings will become final. Upon receipt of any timely objection, EPA will consider scheduling a public hearing in a subsequent Federal Register Notice.

**ADDRESSES:** Any objection to the findings in this notice should be filed with Charles N. Freed, Director, Manufacturers Operations Division (EN-340-F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Copies of the California amendments at issue in this notice, a decision document containing an explanation of my determination and documents used in arriving at this determination are available for public inspection during normal working hours (8:00 am to 3:00 pm) at the Environmental Protection Agency, Central Docket Section (Docket EN-85-09), Room 4, South Conference Center, 401 M Street SW., Washington, DC 20460. Copies of the Decision Document can be obtained from EPA's Manufacturers Operations Division by contacting Ms. Crowe as noted below.

**FOR FURTHER INFORMATION CONTACT:** Alice Crowe, Attorney/Section Chief Manufacturers Operations Division (EN-340-F) U.S. Environmental Protection Agency, Washington, DC 20460, (202) 382-2514.

**SUPPLEMENTARY INFORMATION:** I have determined that CARB's amendments are within the scope of waivers previously granted pursuant to section 209(b) of the Clean Air Act, as amended (Act).<sup>1</sup>

California's amendments to its hydrocarbon (HC) exhaust emission standards provide for the following:

(1) All Class III motorcycles manufactured on or before February 28, 1985 must meet the interim 2.5 grams per kilometer (g/km) HC standard;

(2) Class III motorcycles manufactured on or after March 1, 1985 through the 1987 model year must meet a 1.4 g/km HC corporate average standard;

(3) Class III motorcycles of engine size 280 cubic centimeter (cc) through 699 cc manufactured in the 1988 and subsequent model years would have to meet a 1.0 g/km HC corporate average standard;

(4) Class III motorcycles of 700 cc and greater manufactured for the 1988 and subsequent model years must meet a 1.4 g/km HC corporate average standard.

In addition, CARB adopted an amendment to its tune-up label requirements which require that each tune-up label affixed to a Class III motorcycle set forth the HC standard to which it is certified.

Subsequently, CARB extended the 2.5 g/km standard applicable to small volume manufacturers one additional year through the 1987 model year.

The following amendments to California's evaporative emission standards and test procedures are only applicable to small volume (sales less than 5000 units annually) manufacturers of Class III motorcycles:

(1) An amendment extending the time for compliance with the 2.0 g/test evaporative HC standard an additional three model years and providing an optional 6.0 g/test standard for the 1986-1988 model years;

(2) An amendment requiring that manufacturers choosing to delay certification to the more stringent standard must submit information regarding their estimated sales and product information;

(3) An amendment requiring such manufacturers to submit annual progress reports summarizing their evaporative emission control development efforts.

The following amendments to California's evaporative emission standards and test procedures are applicable to "very" small volume (sales less than 500 units annually) manufacturers.

(1) An amendment giving such manufacturers the option of using an assigned evaporative emission control system deterioration factor under certain circumstances;

(2) An amendment requiring manufacturers that use the assigned

deterioration factor to measure and report to CARB the exhaust emission levels during evaporative emission testing;

(3) An amendment to provide the option of obtaining a waiver from evaporative emissions testing if, based on an engineering judgment, CARB determines the manufacturer's evaporative emissions controls would comply with the standard.

CARB's amendments do not undermine California's determination that its standards are, in the aggregate, at least as protective as Federal standards. Further, the amendments do not cause any inconsistency with section 202(a) of the Act and raise no new issues regarding previous waivers. A full explanation of my determination is contained in a Decision Document, which may be obtained from EPA as noted above.

Since these amendments are within the scope of previous waivers granted to California, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise these findings will become final at the expiration of this 30-day period.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find, pursuant to section 307(b) of the Act, that this decision is of nationwide scope and effect.

This action is not a rule as defined by section 1(a) of Executive Order 12291, 46 FR 13193 (February 19, 1981). Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally, a Regulatory Impact Analysis is not being prepared under Executive Order 12291 for this "within the scope" determination since it is not a rule.

This action is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* because the action is not required to undergo "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory

<sup>1</sup> 43 FR 998 (January 5, 1978) and 41 FR 44209 (October 7, 1976) cover California's motorcycle exhaust emission standards; 47 FR 1015 (January 8, 1982) cover California's evaporative emission standards and test procedures for motorcycles.



flexibility analysis addressing the impact of this action on small business entities.

Date: February 23, 1988.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 88-4364 Filed 2-29-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3335-6]

**California State Motor Vehicle Pollution Control Standards; Amendments Within the Scope of Previous Waivers of Federal Preemption; Summary of Determination**

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of scope of waiver of Federal preemption.

**SUMMARY:** The California Air Resources Board (CARB) has notified EPA that it has adopted amendments to regulations regarding certification of heavy-duty gasoline-powered engines and vehicles for the 1985 and 1986 model years. I find these amendments to be within the scope of previous waivers of Federal preemption granted to California for its heavy-duty emission standards and test procedures.

**DATE:** Any objection to the findings in this notice must be filed by March 31, 1988. Otherwise, at the expiration of this 30-day period these findings will become final. Upon the receipt of any timely objection, EPA will consider scheduling a public hearing in a subsequent Federal Register notice.

**ADDRESSES:** Any objection to the findings in this notice should be filed with Mr. Charles N. Freed, Director, Manufacturers Operations Division (EN-340-F), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Copies of the California amendments at issue in this notice, a decision document containing an explanation of my determination, and documents used in arriving at this determination, are available for public inspection during normal working hours (8:00 a.m. to 3:00 p.m.) at the Environmental Protection Agency, Central Docket Section (Docket EN-87-08), Room 4, South Conference Center, 401 M Street SW., Washington, DC 20460. Copies of the decision document can be obtained from EPA's Manufacturers Operations Divisions by contacting Ms. Crowe as noted below.

**FOR FURTHER INFORMATION CONTACT:** Alice Crowe, Waivers Section Chief,

Manufacturers Operations Division (EN-340-F), U.S. Environmental Protection Agency, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** I have determined that CARB's amendments are within the scope of waivers of Federal preemption previously granted pursuant to section 209(b) of the Clean Air Act, as amended (Act).<sup>1</sup> CARB's changes eliminate the optional transient cycle standards and test procedures and require manufacturers to certify 1985-86 model year heavy-duty gasoline-powered engines and vehicles to California's primary steady-state standards and test procedures.

These changes do not undermine California's determination that its standards are, in the aggregate, at least as protective as Federal standards. Further, the amendments do not cause any inconsistency with section 202(a) of the Act and raise no new issues regarding previous waivers. A full explanation of my determination is contained in a decision document, which may be obtained from EPA as noted above.

Since these amendments are within the scope of these waivers, a public hearing to consider them is not necessary. However, if any party asserts an objection to these findings within 30 days of the date of publication of this notice, EPA will consider holding a public hearing to provide an opportunity to present testimony and evidence to show that there are issues to be addressed through a section 209(b) waiver determination and that I should reconsider my findings. Otherwise, these findings will become final at the expiration of this 30-day period.

My decision will affect not only persons in California but also the manufacturers located outside the State who must comply with California's requirements in order to produce motor vehicles for sale in California. For this reason, I hereby determine and find that this decision is of nationwide scope and effect.

This action is not a rule within the meaning of Executive Order 12291, 46 FR 13193 (February 19, 1981). Therefore, it is exempt from review by the Office of Management and Budget as required for rules and regulations by Executive Order 12291. Additionally, a Regulatory Impact Analysis is not being prepared under Executive Order 12291, for this "within the scope" determination since it is not a rule.

<sup>1</sup> 42 FR 31639 (June 22, 1987), 43 FR 20549 (May 12, 1978), 43 FR 36679 (August 18, 1978), 46 FR 36742 (July 15, 1981) and 49 FR 39731 (October 10, 1984).

This action also is not a rule as defined in the Regulatory Flexibility Act, 5 U.S.C. 601(2) *et seq.*, because the action is not required to undergo prior "notice and comment" under section 553(b) of the Administrative Procedure Act, or any other law. Therefore, EPA has not prepared a supporting regulatory flexibility analysis addressing the impact of this action on small business entities.

Dated: February 23, 1988.

Don R. Clay,

Acting Assistant Administrator for Air and Radiation.

[FR Doc. 88-4365 Filed 2-29-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3335-5]

**Science Advisory Board Research Strategies Subcommittee; Risk Reduction Group; Open Meeting**

Under Pub. L. 92-463, notice is hereby given that a meeting of the Risk Reduction Group of the Science Advisory Board's Research Strategies Subcommittee will meet Wednesday, March 16, 1988, from 9:00 a.m. to 5:00 p.m. in the Fairchild Building, Suite 508, U.S. Environmental Protection Agency, 499 South Capitol Street SW., Washington, DC 20460.

The purpose of the meeting is to review the third Draft Risk Reduction Group Report.

The meeting is open to the public. Any member of the public wishing to attend, make brief oral comments, or submit written comments to the Group should notify Mrs. Kathleen Conway, Executive Secretary, or Mrs. Dorothy Clark, Staff Secretary, (A101-F) Science Advisory Board, by the close of business on Friday, March 11, 1988. The telephone number is (202) 382-2552.

Date: February 24, 1988.

Terry F. Yosie,

Director, Science Advisory Board.

[FR Doc. 88-4366 Filed 2-29-88; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3335-4]

**Science Advisory Board; Research Strategies Subcommittee; Ecological Effects Work Group; Open Meeting**

Under the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a two-day meeting of the Research Strategies Subcommittee, Ecological Effects Work Group of the Science Advisory Board (SAB) will be held on March 17 and 18, 1988. The meeting will begin at 9:00 a.m. and will



be held at in Hodgkin Hall (Parlor) at the University of New Mexico, Albuquerque, NM, adjourning no later than 5:00 p.m. on March 18th.

The purpose of the Research Strategies Subcommittee is to advise the Administrator of the Environmental Protection Agency on the development of research strategies needed to enhance the Agency's ability to acquire scientific and technical information to support regulatory decision making, and to identify emerging environmental issues. The Ecological Effects Work Group will discuss and evaluate draft working papers, responding to comments that have been received. On the second day, a subset of the Work Group will convene in a writing session to develop a final report.

The meeting will be open to the public. Any member of the public who wishes to attend, present information, or receive further details should contact Ms. Janis C. Kurtz, Executive Secretary or Mrs. Lutithia Barbee, Staff Secretary (A-101 F) Science Advisory Board, U.S. EPA, 401 M Street SW., Washington, DC. Telephone (202) 382-2552 or FTS-8-382-2552. Written comments will be accepted and can be sent to Ms. Kurtz at the address above.

Terry F. Yosie,

Director, Science Advisory Board.

Date: February 23, 1988.

[FR Doc. 88-4367 Filed 2-29-88; 8:45 am]

BILLING CODE 6560-50-M

#### [OPTS-44504; FRL-3335-8]

#### TSCA Chemical Testing; Receipt of Test Data

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the submission of test data on the C9 aromatic hydrocarbon fraction pursuant to final test rules under the Toxic Substances Control Act (TSCA). Publication of this notice is in compliance with section 4(d) of TSCA.

**FOR FURTHER INFORMATION CONTACT:** Michael M. Stahl, Acting Director, TSCA Assistance Office (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-543, 401 M St., SW., Washington, DC 20460, (202) 554-1404.

**SUPPLEMENTARY INFORMATION:** Section 4(d) of TSCA requires EPA to issue a notice in the *Federal Register* reporting the receipt of test data submitted pursuant to test rules promulgated under section 4(a) within 15 days of its receipt. 88T-201.

#### I. Test Data Submissions

This notice announces test data submissions on February 12, 1988 by the American Petroleum Institute on the C9 aromatic hydrocarbon fraction pursuant to section 4 of TSCA as promulgated in 40 CFR 799.2175. The submission describes the following mutagenicity studies: Ames *Salmonella*/microsome reverse mutation assay; in vitro cytogenetic assay measuring sister chromatid exchange frequencies; CHO/HGPRT forward mutation suspension assay; in vitro cytogenetic assay measuring chromosomal aberration frequencies in Chinese hamster ovary (CHO) cells; and, in vitro mutagenic-potential bone marrow cytogenetic test in rats.

The final rule for the C9 aromatic hydrocarbon fraction, issued May 12, 1985 (50 FR 20662), requires manufacturers and processors of the C9 fraction to test this substance for mutagenicity, neurotoxicity, developmental toxicity, reproductive effects, and oncogenicity (unless certain mutagenicity test results are negative).

#### II. Public Record

EPA has established a public record for this TSCA section 4(d) receipt of data notice (docket number OPTS-44504). This record includes copies of all studies reported in this notice.

The record is available for inspection from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays, in the OPTS Reading Room, NE-G004, 401 M St., SW., Washington, DC 20460.

(15 U.S.C. 2603.)

Dated: February 24, 1988.

Joseph J. Merenda,

Director, Existing Chemical Assessment Division, Office of Toxic Substances.

[FR Doc. 88-4461 Filed 2-26-88; 1:32 am]

BILLING CODE 6560-50-M

#### FEDERAL COMMUNICATIONS COMMISSION

[MM Docket No. 88-59]

#### Applications for Consolidated Hearing; Robin C. Brandt, et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM docket No.
A. Robin C. Brandt, Newton, Iowa.	BPCT-870331QD....	88-59

Applicant, city/state	File No.	MM docket No.
B. Audrey G. Osmundson, d/b/a Newton Broadcasting Company, Newton, Iowa.	BPCT-870610KL....	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

#### Issue Heading and Applicant(s)

Air Hazard, A, B  
Comparative, A, B  
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 88-4304 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

[MM Docket No. 88-69]

#### Applications for Consolidated Hearing; CBS, Inc., et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM docket No.
A. CBS, Inc., Chicago, IL.	BRCT-870803KX	88-69



Applicant, city/state	File No.	MM docket No.
B. Center City Communications Limited Partnership Chicago, IL.	BPCT-871028KF	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue heading and applicant(s)*

1. Comparative, A, B
2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart, Chief,  
Video Services Division, Mass Media Bureau.  
[FR Doc. 88-4311 Filed 2-29-88; 8:45 am]  
BILLING CODE 6712-01-M

**[MM Docket No. 88-62]**

**Applications for Consolidated Hearing; Church of Christ Ministry, Inc., et al.**

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM Docket No.
A. Church of Christ Ministry, Inc.; Fond du Lac, Wisconsin.	BPCT-8703311L	88-62
B. Skycom, Inc.; Fond du Lac, Wisconsin.	BPCT-870610KN	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

- Air Hazard, A, B  
Comparative, A, B  
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,  
Chief, Video Services Division, Mass Media Bureau.  
[FR Doc. 88-4305 Filed 2-29-88; 8:45 am]  
BILLING CODE 6712-01-M

**[MM Docket No. 88-61]**

**Applications for Consolidated Hearing; Coyle Communications, Ltd., et al.**

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM Docket No.
A. Coyle Communications, Ltd., Corning, New York.	BPCT-870330KK	88-61
B. Rural New York Broadcasting, Corning, New York.	BPCT-870610KM	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding

headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicant(s)*

- Air Hazard, A, B  
Comparative, A, B  
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,  
Chief, Video Services Division, Mass Media Bureau.  
[FR Doc. 88-4306 Filed 2-29-88; 8:45 am]  
BILLING CODE 6712-01-M

**[MM Docket No. 87-426]**

**Applications for Consolidated Hearing; James Evans et al.**

1. The Commission has before it the following mutually exclusive applications for a new FM station:

Applicant, city/state	File No.	MM docket No.
A. James Evans; Montecito, CA.	BPH-851231MR	87-426
B. Claudia Bratton; Montecito, CA.	BPH-860102MX	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing and consolidated in the proceeding now in progress in MM Docket No. 87-426, and upon the same issues, whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

*Issue Heading and Applicants*

1. Comparative, A, B



## 2. Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

W. Jan Gay,

Assistant Chief, Audio Services Division,  
Mass Media Bureau.

[FR Doc. 88-4312 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

## [MM Docket No. 88-58]

Applications for Consolidated Hearing;  
J.R. Broadcasting et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM docket No.
A. Don H. Martin, Jr., d/b/a J.R. Broadcasting; Salem, Indiana.	BPCT-870331KI	88-58
B. James T. Ledford; Salem, Indiana.	BPCT-870827KE	
C. Family Group Broadcasting Ltd., VII; Salem, Indiana.	BPCT-870827KF	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

## Issue Heading and Applicant(s)

Air Hazard, A, B, C  
Comparative, A, B, C  
Ultimate, A, B, C

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to

which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 88-4313 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

## [MM Docket No. 88-63]

Applications for Consolidated Hearing;  
Red Mountain Broadcasting Co. et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM Docket No.
A. Red Mountain Broadcasting Company; St. George, Utah	BPCT-870619KH	88-63
B. KUTV, Inc.; St. George, Utah	BPCT-870612KG	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

## Issue Heading and Applicant(s)

Air Hazard, A, B  
Multiple Ownership, A  
Comparative, A, B  
Ultimate, A, B

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased

from the Commission's duplicating contractor, International Transcription Services, Inc. 2100 M Street, NW., Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 88-4307 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

## [MM Docket No. 88-60]

Applications for Consolidated Hearing;  
Jerome Swain et al.

1. The Commission has before it the following mutually exclusive applications for a new TV station:

Applicant, city/state	File No.	MM Docket No.
A. Jerome Swain; Ft. Walton Beach, FL	BPCT-870330KU	88-60
B. Clement S. Ross; Ft. Walton Beach, FL	BPCT-8703317L	

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

## Issue Heading and Applicant(s)

Short-Spacing, A  
Air Hazard, A, B  
Comparative, A, B  
Ultimate, A, B

## See Appendix

3. If there is any non-standardized issue(s) in this proceeding, the full text of the issue and the applicant(s) to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc. 2100 M Street NW.,



Washington, DC 20037 (Telephone No. (202) 857-3800).

Roy J. Stewart,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 88-4314 Filed 2-29-88; 8:45 am]

BILLING CODE 6712-01-M

## FEDERAL MARITIME COMMISSION

### Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street NW, Room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the Federal Register in which this notice appears. The requirements for comments are found in § 572.603 of Title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

*Agreement No. 224-004008-006.*

*Title: Port of Portland Terminal Agreement.*

*Parties:*

Port of Portland (Port) Marine Terminals Corporation (MTC)

*Synopsis:* The proposed agreement amends Agreement No. 224-004008 between the Port and MTC to extend the original term thereof through June 30, 1989. It also provides for the conditions which apply to MTC's use of Port's electronic data processing equipment.

*Agreement No. 224-200056-001.*

*Title: Port of Baltimore Terminal Agreement.*

*Synopsis:* The proposed agreement provides for an amendment to section 3.5 of Agreement No. 224-200056 which leased 44.1 acres of property adjacent to Pier 4 of the former Maryland Shipbuilding and Dry Dock site in Baltimore to TMS for use as a vehicle receiving and processing facility. The amendment specifies that if TMS performs services for which charges are contained in MPA's Terminal Tariff No. 10 with respect to NON-TMS vehicles not manufactured or distributed by entities wholly owned by Toyota, TMS will assess charges pursuant to MPA's current tariff.

*Agreement No. 224-010808-001.*

*Title: Port of Long Beach Preferential Assignment Agreement.*

*Parties:*

City of Long Beach Moller Steamship Company, Inc.

*Synopsis:* The proposed agreement provides for certain repairs and modifications of two 40 long ton Paceco Portainer Cranes (serial Nos. 961 and 962) by Moller and reimbursement of the expenses related thereto. These two cranes are currently assigned to Moller under the basic preferential assignment agreement. Moller has agreed to accomplish said repairs and modifications within 180 calendar days after execution of this agreement.

*Agreement No. 224-200090.*

*Title: Port of Tacoma Terminal Agreement.*

*Parties:*

Port of Tacoma (Tacoma) Plum Creek Timber Company, Inc. (PCT)

*Synopsis:* The proposed agreement provides for PCT's lease of 19.29 acres of Tacoma's property located in Pierce County, Washington, and grants PCT the right of preferential berthing of vessels at Berth A, Blair Terminal, Tacoma, subject to PCT giving Tacoma at least five (5) days notice of vessel calls.

By Order of the Federal Maritime Commission.

Joseph C. Polking,  
Secretary.

Dated: February 25, 1988.

[FR Doc. 88-4359 Filed 2-29-88; 8:45 am]

BILLING CODE 6730-01-M

## FEDERAL RESERVE SYSTEM

### Barnett Banks, Inc.; Application To Engage de Novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for

inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 21, 1988.

**A. Federal Reserve Bank of Atlanta**  
(Robert E. Heck, Vice President) 104 Marietta Street, NW, Atlanta, Georgia 30303:

1. *Barnett Banks, Inc.*, Jacksonville, Florida; to engage *de novo* through its subsidiary Verifications, Inc., Jacksonville, Florida, in providing check-guaranty services pursuant to § 225.25(b)(22); operating a collection agency pursuant to § 225.25(b)(23); and operating a credit bureau pursuant to § 225.25(b)(24) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, February 24, 1988

James McAfee,

Associate Secretary of the Board

[FR Doc. 88-4324 Filed 2-29-88; 8:45 am]

BILLING CODE 6210-01-M

### The Chase Manhattan Corp.; Proposal To Underwrite and Deal in Commercial Paper to a Limited Extent

The Chase Manhattan Corporation, New York, New York ("Applicant"), has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) ("BHC Act") and § 225.23(a)(3) of the Board's Regulation Y (12 CFR 225.23(a)(3)), for permission to engage *de novo* through its wholly owned subsidiary, Chase Manhattan Treasury Corporation, New York, New York ("Company"), to underwrite and deal in commercial paper to a limited degree. Commercial paper is eligible for purchase by banks for their own



account but not eligible for banks to underwrite and deal in.

Company currently underwrites and deals in securities that state member banks are permitted to underwrite and deal in under the Glass-Steagall Act ("eligible securities") (U.S. government securities, general obligations of states and municipalities and certain money market instruments), as permitted by § 225.25(b)(16) of Regulation Y (12 CFR 225.25(b)(16)). Company has also previously received Board approval under § 4(c)(8) of the BHC Act to underwrite and deal in 1-4 family mortgage-related securities, municipal revenue bonds (including "public ownership" industrial development bonds) and consumer-receivable-related securities. Company would conduct the proposed activities on a nationwide basis.

Section 4(c)(8) of the BHC Act provides that a bank holding company may, with Board approval, engage in any activity "which the Board after due notice and opportunity for hearing has determined (by order or regulation) to be so closely related to banking or managing or controlling banks as to be a proper incident thereto." Applicant has applied to underwrite and deal in commercial paper in accordance with the limitations set forth in the Board's Orders approving those activities for a number of bank holding companies. See, e.g., *Citicorp, J.P. Morgan & Co. Incorporated and Bankers Trust New York Corporation*, 73 Federal Reserve Bulletin 473 (1987).

The application presents issues under § 20 of the Glass-Steagall Act (12 U.S.C. 377). Section 20 of the Glass-Steagall Act prohibits the affiliation of a member bank, such as The Chase Manhattan Bank, N.A., with a firm that is "engaged principally" in the "underwriting, public sale or distribution" of securities. Applicant states that it would not be "engaged principally" in such activities on the basis of the restrictions on the amount of the proposed activity relative to the total business conducted by the underwriting subsidiary and relative to the total market in such activity previously approved by the Board.

Any request for a hearing on this application must comply with § 262.3(e) of the Board's Rules of Procedure (12 CFR 262.3(e)).

The application may be inspected at the offices of the Board of Governors or the Federal Reserve Bank of New York.

Any comments or requests for hearing should be submitted in writing and received by William W. Wiles, Secretary, Board of Governors of the

Federal Reserve System, Washington, DC 20551, not later than March 25, 1988.

Board of Governors of the Federal Reserve System, February 24, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-4321 Filed 2-29-88; 8:45 am]

BILLING CODE 6210-01-M

### **Columbia Bancorp, et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies**

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than March 24, 1988.

**A. Federal Reserve Bank of Richmond** (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

1. *Columbia Bancorp*, Columbia, Maryland; to become a bank holding company by acquiring 100 percent of the voting shares of The Howard Columbia Bank, Columbia, Maryland, a *de novo* bank.

**B. Federal Reserve Bank of Atlanta** (Robert E. Heck, Vice President) 104 Marietta Street NW., Atlanta, Georgia 30303:

1. *First Colony Bancshares, Inc.*, Alpharetta, Georgia; to become a bank holding company by acquiring 100

percent of the voting shares of First Colony Bank, Alpharetta, Georgia. Comments on this application must be received by March 18, 1988.

Board of Governors of the Federal Reserve System, February 24, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-4325 Filed 2-29-88; 8:45 am]

BILLING CODE 6210-01-M

### **Huntington Bancshares Inc.; Acquisition of Company Engaged in Nonbanking Activities**

The organization listed in this notice has applied under § 225.23 (a) or (f) of the Board's Regulation Y (12 CFR 225.23 (a) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 17, 1988.

**A. Federal Reserve Bank of Cleveland** (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. *Huntington Bancshares Incorporated*, Columbus, Ohio; to



engage *de novo* through its subsidiary The Huntington Company, Columbus, Ohio, in providing advice regarding the structuring and arranging of interest rate "swap," interest rate "cap," and similar transactions; providing advice in connection with merger, acquisition/divestiture, and financing transactions for nonaffiliated financial and nonfinancial institutions; and to provide valuation and fairness opinions in connection with merger, acquisition, and similar transactions for nonaffiliated financial and nonfinancial institutions pursuant to section 4(c)(8) of the Bank Holding Company Act. These activities have been previously approved by the Board. *The Bank of Nova Scotia*, Board Order dated February 12, 1988.

Board of Governors of the Federal Reserve System, February 24, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-4322 Filed 2-29-88; 8:45 am]

BILLING CODE 6210-01-M

#### **Change in Bank Control Notice; Acquisition of Shares of Banks or Bank Holding Companies; Sam W. Lee**

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 17, 1988.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President), 400 South Akard Street, Dallas, Texas 75222;

1. *Sam W. Lee*, Roanoke, Texas; to acquire 66.9 percent of the voting shares of Northwest Bank, Roanoke, Texas.

Board of Governors of the Federal Reserve System, February 24, 1988.

James McAfee,

Associate Secretary of the Board.

[FR Doc. 88-4323 Filed 2-29-88; 8:45 am]

BILLING CODE 6210-01-M

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **Food and Drug Administration**

[Docket No. 88F-0024]

#### **Monsanto Chemical Co.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Monsanto Chemical Co. has filed a petition proposing that the food additive regulations be amended to provide for an increase in the maximum level of mineral oil that may be used in certain repeated-use rubber articles intended for contact with food.

**FOR FURTHER INFORMATION CONTACT:** Andrew D. Laumbach, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (section 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B4058) has been filed by Monsanto Chemical Co., 800 North Lindbergh Blvd., St. Louis, MO 63166, proposing that § 177.2600 *Rubber articles intended for repeated use* (21 CFR 177.2600) be amended to provide for an increase in the maximum level of mineral oil that may be used in certain repeated-use rubber articles intended for contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: February 22, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-4301 Filed 2-29-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88F-0028]

#### **Shell Oil Co.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Shell Oil Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of cerium stearate as a stabilizer in olefin polymers intended for use in contact with food.

**FOR FURTHER INFORMATION CONTACT:** Rudolph Harris, Center for Food Safety and Applied Nutrition (HFF-335), Food and Drug Administration, 200 C Street SW., Washington, DC 20204, 202-472-5690.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 8B4059) has been filed by Shell Oil Co., P.O. Box 4320, One Shell Plaza, Houston, TX 77210, proposing that § 178.2010 *Antioxidants and/or stabilizers for polymers* (21 CFR 178.2010) be amended to provide for the safe use of cerium stearate as a stabilizer in olefin polymers intended for use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: February 23, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-4299 Filed 2-29-88; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88F-0023]

#### **Waitaki International Marketing, Ltd.; Filing of Food Additive Petition**

**AGENCY:** Food and Drug Administration.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that Waitaki International Marketing, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of sulfopropyl cellulose ion-exchange resin for the recovery and purification of proteins for food.

**FOR FURTHER INFORMATION CONTACT:** Joseph Leginus, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C Street



SW., Washington, DC 20204, 202-426-5487.

**SUPPLEMENTARY INFORMATION:** Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 6A3905) has been filed by Waitaki International Marketing, Ltd., 58 Kilmore St., Christchurch, New Zealand, proposing that § 173.25 *Ion-exchange resins* (21 CFR 173.25) be amended to provide for the safe use of sulfopropyl cellulose ion-exchange resin for the recovery and purification of proteins for food use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the *Federal Register* in accordance with 21 CFR 25.40(c).

Dated: February 22, 1988.

Fred R. Shank,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 88-4302 Filed 2-29-88; 8:45 am]

BILLING CODE 4160-01-M

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Receipt of Application for Permit; Charles Monnett

The public is invited to comment on the following application for permits to conduct certain activities with marine mammals. The application was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*, and the regulations governing marine mammals (50 CFR Part 18).

#### Applicant

File No. PRT-716436

Name: Charles Monnett, University of Minnesota, Minneapolis, MN.

Type of Permit: Scientific Research

Name of Animals: 320 Alaska sea otters (*Enhydra lutris lutris*)

#### Summary of Activity to be Authorized:

The applicant proposes to amend his current permit to increase the number of otters he is authorized to capture. Most will be tagged, weighed and blood sampled. Six adults will be surgically implanted with radio transmitters for tracking.

Source of Marine Mammals Research: Prince William Sound, AK

Period of Activity: March 1988–December 1989.

Concurrent with the publication of this notice in the *Federal Register*, the Office of Management Authority is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data or comments, requests for copies of the complete application, or requests for a public hearing on this application should be submitted to the Director, U.S. Fish and Wildlife Service (OMA), P.O. Box 27329, Washington, DC 20038-7329, within 30 days of the publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such hearing is at the discretion of the Director.

Documents submitted in connections with the above application are available for review during normal business hours (7:45 am to 4:15 pm) in Room 400 1375 "K" Street NW., Washington, DC.

Dated: February 24, 1988.

Larry LaRochelle,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 88-4406 Filed 2-29-88; 8:45 am]

BILLING CODE 4310-55-M

## Bureau of Land Management

[AK-912-08-4360-10]

### Call for Nominations for the Iditarod National Historic Trail Advisory Council

The purpose of this notice is to solicit public nominations to the Iditarod National Historic Trail Advisory Council. The Council serves to advise the Secretary of the Interior, through the Director, Bureau of Land Management, with regard to implementation of a comprehensive management plan for the Iditarod National Historic Trail, Alaska.

Of the 11 members comprising the council, several may be nominated by the public to represent corporations and individual land owners, and land users.

Council members will be appointed for two-year terms. At the discretion of the Secretary of the Interior, members may be reappointed to additional terms, but not to exceed a total of six years.

All members serve without salary but may be reimbursed for travel and per diem expenses.

Nominations should include the individual's name, address, area of representation, and qualifying background. They should be submitted by April 1, 1988 to: John Rumps, District Manager, Anchorage District, BLM, 6881

Abbott Loop Road, Anchorage, Alaska 99507-2988.

For Further information Contact: Public Affairs, (907) 271-5555.

John Rumps,

District Manager.

Dated: February 22, 1988.

[FR Doc. 88-4369 Filed 2-29-88; 8:45 am]

BILLING CODE 4310-JA-M

## DEPARTMENT OF INTERIOR

[CA-940-08-4113; CA 19901]

### Geothermal Resources Lease Sale, Glass Mountain KGRA; Siskiyou County, CA

Notice is hereby given that approximately 38,283.53 acres of land in 20 parcels within Glass Mountain KGRA in Siskiyou County, California, will be offered competitively for lease under the Geothermal Steam Act of 1970 through sealed bids to the qualified responsible bidder of the highest cash amount per parcel. bids will be received until 10:00 a.m. on April 6, 1988.

For further information, contact the California State Office, Division of Operations, Room E-2605, 2800 Cottage Way, Sacramento, California 95825. Phone: (916) 978-4818.

Robert C. Nauert,

Chief, Branch of Adjudication and Records.

Dated: February 23, 1988.

[FR Doc. 88-4294 Filed 2-29-88; 8:45 am]

BILLING CODE 4310-40-M

[AK-040-08-4333-10]

### Iditarod National Historic Trail; Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Iditarod National Historic (INHT) Advisory Council will meet to advise the Secretary of the Interior, through the designated official, with regard to the implementation of a comprehensive management plan for the Iditarod National Historic Trail, Alaska.

Designated Official: John J. Rumps, District Manager, Anchorage District Office, Bureau of Land Management.

**DATES:** April 12 and 13, 1988.



Place: Alaska Vocational Technical Center, 801 Second Avenue, Seward, Alaska 99664.

John J. Rumps,  
District Manager.

Dated: February 22, 1988.  
[FR Doc. 88-4319 Filed 2-29-88; 8:45 am]  
BILLING CODE 4310-JA-M

## National Park Service

### Cape Cod National Seashore, South Wellfleet, MA; Cape Cod National Seashore Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. app. 1 section 10), that a meeting of the Cape Cod National Seashore Advisory Commission will be held Friday, March 8, 1988.

The Commission was reestablished pursuant to Pub. L. 99-349, Amendment 24. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, with respect to matters relating to the development of the Cape Cod National Seashore, and with respect to carrying out the provisions of sections 4 and 5 of the Act establishing the Seashore.

The meeting will convene at Park Headquarters, Marconi Station, South Wellfleet, Massachusetts at 1:00 p.m. for the following reasons:

- Three Sisters Lighthouses
- Dune Cottages
- Off-Road Vehicle Management
- Water Resources

The meeting is open to the public. It is expected that 50 persons will be able to attend the session in addition to the Commission members.

Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from the Superintendent, Cape Cod National Seashore, South Wellfleet, MA 02663.

Herbert S. Cables, Jr.,  
Regional Director.

Date: February 24, 1988.  
[FR Doc. 88-4391 Filed 2-29-88; 8:45 am]  
BILLING CODE 4310-70-M

## National Register of Historic Places; Pending Nominations; Arizona et al.

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before February 20, 1988. Pursuant to § 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, U.S. Department of the Interior, Washington, DC 20243. Written comments should be submitted by March 16, 1988.

Carol D. Shull,  
Chief of Registration, National Register.

## ARIZONA

### Gila County

Globe, *International House (Globe Commercial and Civic MRA)*, 636-638 N. Broad St.

## FLORIDA

### Broward County

Davie, *Davie School*, 6650 Griffin Rd.

## GEORGIA

### Clarke County

Athens, *West Hancock Avenue Historic District*, Roughly bounded by Hill, Franklin, and Broad Sts., and the Plaza

## MARYLAND

### Charles County

Port Tobacco vicinity, *Retreat*, MD 484/Poor House Rd. and MD 6

### Dorchester County

Cambridge, *Sycamore Cottage*, 417 High St.

## MASSACHUSETTS

### Berkshire County

Becket, *North Becket Village Historic District*, Main, High, and Pleasant Sts.

### Norfolk County

Medway, *Rabbit Hill Historic District*, Roughly bounded by Highland, Main, Franklin, and Milford Sts.

## NEBRASKA

### Lancaster County

Lincoln, *Antelope Grocery*, 2406 J St.

## NORTH CAROLINA

### Craven County

New Bern, *Ghent Historic District*, Roughly bounded by Trent Blvd., First St., Park Ave., and Seventh St.

New Bern, *Jerkins-Duffy House*, 301 Johnson St.

## TENNESSEE

### Giles County

Lynnville, *Lynnville Historic District*, Roughly bounded by Mill St., Main and School Rd. and Long St., Louisville—Nashville RR, and Water and Buggs Sts.

## VIRGINIA

### Powhatan County

Manakin vicinity, *Huguenot Memorial Chapel and Monument*, VA 711

## WISCONSIN

### Dane County

Madison, *East Dayton Street Historic District*, 641, 647, 649-653 E. Dayton St. and 114 N. Blount St.

Madison, *Orton Park Historic District*, Roughly bounded by Spaight St., S. Few St., Lake Monona, and S. Ingersoll St.

Madison, *Sherman Avenue Historic District*, Sherman Ave. roughly between Marston Ave. and N. Brearly St.

### Manitowoc County

Manitowoc, *Eighth Street Historic District*, Roughly bounded by Buffalo St., Eighth and Seventh Sts., Hancock St., and Tenth and Ninth and Quay Sts.

### Milwaukee County

Milwaukee, *Foth, Christian, House*, 1209-1211 S. Seventh St.

Milwaukee, *Lohman Funeral Home and Livery Stable*, 804 W. Greenfield and 1325 S. Eighth

### Waukesha County

Waukesha, *Coples' Park Historic District (Waukesha MRA)*, Roughly bounded by E. Newhall Ave., S. Hartwell Ave., Windsor Dr. and Oxford Rd., and S. East Ave.

[FR Doc. 88-4390 Filed 2-29-88; 8:45am]

BILLING CODE 4310-70-M

## DEPARTMENT OF JUSTICE

### Information Collection(s) Under OMB Review

February 25, 1988.

The Office of Management and Budget (OMB) has been sent for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories.



Each entry contains the following information: (1) The name and telephone number of the Department's Clearance Officer from whom a copy of the form and/or supporting documentation is available; (2) the office, board or division of the Department of Justice issuing the form or administering the collection; (3) the title of the form/collection; (4) the agency form number, if any; (5) how often the report must be filled out or the information is to be collected; (6) who will be asked or required to respond, as well as a brief abstract; (7) an estimate of the total number of respondents; (8) an estimate of the total public burden hours associated with the collection; (9) an indication of whether section 3504(h) of Pub. L. 96-511 applies; and, (1) the name and telephone number of the person or office responsible for the OMB review. Comments and/or questions regarding the item(s) contained in this notice should be directed to the OMB reviewer listed at the end of each entry and to the Department's Clearance Officer. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should so advise the OMB reviewer and the Department's Clearance Officer of your intent as early as possible.

The Department of Justice Clearance Officer is: LARRY E. MIESSE and can be reached on (202) 633-4312.

#### Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

- (1) Larry E. Miesse, (202) 633-4312.
  - (2) Civil Rights Division, Department of Justice.
  - (3) Procedures for the Administration of Section 5 of the Voting Rights Act of 1965.
  - (4) No form number.
  - (5) On occasion.
  - (6) State and local governments.
- Jurisdictions under the Voting Rights Act are required to obtain preclearance from the Attorney General before instituting changes affecting voting. These procedures facilitate the provision of information that the changes are not racially discriminatory.
- (7) 3,450 annual responses, 13 hours burden per response.
  - (8) 44,850 estimated public burden hours.
  - (9) Not applicable under 3504(h).
  - (10) Robert Fishman, (202) 395-7340.

Larry E. Miesse,  
Department Clearance Officer.  
[FR Doc. 88-4405 Filed 2-29-88; 8:45 am]  
BILLING CODE 4410-01-M

#### Drug Enforcement Administration

[Docket No. 87-67]

##### Billy Knight Reynolds, R.PH d/b/a/ Bainbridge Pharmacy; Hearing

Notice is hereby given that on July 13, 1987, the Drug Enforcement Administration, Department of Justice, issued to Billy Knight Reynolds, d/b/a/ Bainbridge Pharmacy, an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your DEA certificate of registration BR0912065, and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Thursday, March 17, 1988, commencing at 10:00 a.m. in the U.S. Court of Appeals, Room 325, 56 Forsythe Street NW., Atlanta, Georgia.

Dated: February 25, 1988.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.  
[FR Doc. 88-4375 Filed 2-29-88; 8:45 am]  
BILLING CODE 4410-09-M

[Docket No. 87-69]

##### Eric A. Baum, M.D., Sarasota, FL; Hearing

Notice is hereby given that on September 17, 1987, the Drug Enforcement Administration, Department of Justice, issued to Eric A. Baum, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke his DEA Certificate of Registration, BB0337508 and any pending applications for renewal of such registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Tuesday, March 1, 1988, Courtroom 803, United States Tax Court, 700 Twiggs Street, Twiggs Building, Tampa, Florida.

Dated: February 25, 1988.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.  
[FR Doc. 88-4376 Filed 2-29-88; 8:45 am]  
BILLING CODE 4410-09-M

[Docket No. 87-80]

##### John G. Bennett, M.D.; Miami Beach, FL; Hearing

Notice is hereby given that on September 24, 1987, the Drug Enforcement Administration, Department of Justice, issued to John G. Bennett, M.D., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke your certificate of registration BB0420810 and deny any pending applications for registration.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Friday, March 4, 1988, commencing at 9:30 a.m. in the U.S. Tax Court, Courtroom 1524, Federal Building 57 SW., First Street, Miami, Florida.

Dated: February 25, 1988.

John C. Lawn,  
Administrator Drug Enforcement  
Administration.  
[FR Doc. 88-4377 Filed 2-29-88; 8:45 am]  
BILLING CODE 4410-09-M

[Docket No. 87-65]

##### Syncon Pharmaceuticals, Inc., Snellville, GA; Hearing

Notice is hereby given that on August 11, 1987, the Drug Enforcement Administration, Department of Justice, issued to Syncon Pharmaceuticals, Inc., an Order to Show Cause as to why the Drug Enforcement Administration should not revoke DEA certificates of registration PS0168585 and PS0233584.

Thirty days having elapsed since the said Order to Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held on Tuesday, March 15, 1988, commencing at 10:00 a.m. in the U.S. Court of Appeals, Room 324, 56 Forsythe Street NW., Atlanta, Georgia.

Dated: February 25, 1988.

John C. Lawn,  
Administrator, Drug Enforcement  
Administration.  
[FR Doc. 88-4378 Filed 2-29-88; 8:45 am]  
BILLING CODE 4410-09-M



**DEPARTMENT OF LABOR****Office of the Secretary****Agency Recordkeeping/Reporting Requirements Under Review by the Office of Management and Budget (OMB)****Background**

The Department of Labor, in carrying out its responsibilities under the Paperwork Reduction Act (44 U.S.C. Chapter 35), considers comments on the reporting and recordkeeping requirements that will affect the public.

**List of Recordkeeping/Reporting Requirements Under Review**

As necessary, the Department of Labor will publish a list of the Agency recordkeeping/reporting requirements under review by the Office of Management and Budget (OMB) since the last list was published. The list will have all entries grouped into new collections, revisions, extensions, or reinstatements. The Departmental Clearance Officer will, upon request, be able to advise members of the public of the nature of the particular submission they are interested in. Each entry may contain the following information:

The Agency of the Department issuing this recordkeeping/reporting requirement.

The title of the recordkeeping-reporting requirement.

The OMB and Agency identification numbers, if applicable.

How often the recordkeeping/reporting requirement is needed.

Who will be required to or asked to report or keep records.

Whether small businesses or organizations are affected.

An estimate of the total number of hours needed to comply with the recordkeeping/reporting requirements.

The number of forms in the request for approval, if applicable.

An abstract describing the need for and uses of the information collection.

**Comments and Questions**

Copies of the recordkeeping/reporting requirements may be obtained by calling the Departmental Clearance Officer, Paul E. Larson, telephone (202) 523-6331. Comments and questions about the items on this list should be directed to Mr. Larson, Office of Information Management, U.S. Department of Labor, 200 Constitution Avenue NW, Room N-1301, Washington, DC 20210. Comments should also be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for (BLS/DM/ESA/ETA/OLMS/MSHA/OSHA/PWBA/VETS), Office of Management

and Budget, Room 3208, Washington, DC 20503 (Telephone (202) 395-6880).

Any member of the public who wants to comment on a recordkeeping reporting requirement which has been submitted to OMB should advise Mr. Larson of this intent at the earliest possible date.

**New Collection****Bureau of Labor Statistics****Point of Purchase Survey (CPP)****CPP-3 Respondent letter****One time****Individuals or households**

3639 responses; 1645 hours; one form

The feasibility test has three major goals. First it will ascertain if outlet and expenditure data of sufficient quality for use in the Consumer Price Index (CPI) can be collected by telephone. Second, it will determine if a response rate conducive to the production of representative data can be achieved by telephone. Third, it will specify the technology necessary to conduct a successful ongoing CPP Survey in a computer assisted telephone interview (CATI) environment.

**Revision****Occupational Safety and Health Administration****Ethylene Oxide (Revision, OSHA-265)**

Businesses and other for-profit; Federal agencies or employees; Small businesses or organizations

7,183 responses 180,281 hours; 0 forms

The proposed amendment will add an excursion limit to the standard's permissible exposure limit. The excursion limit will affect primarily the exposure monitoring and recordkeeping provisions of the standard. An additional 16,133 hours will be imposed if the excursion limit becomes effective.

**Extension****Mine Safety and Health Administration****Mine Rescue Equipment Test and Inspection Records**

1219-0093

**Monthly**

Businesses or other for profit; small businesses or organizations

800 respondents; 24,000 hours

Records of the results of tests and examinations of mine rescue equipment are required to be maintained at mine rescue stations. Signed at Washington, DC this 25th day of February, 1988.

Marizetta L. Scott,

Acting Departmental Clearance Officer.

[FR Doc. 88-4389 Filed 2-29-88; 8:45 am]

BILLING CODE 4510-24-M

**Office of the Assistant Secretary for Veterans' Employment and Training****Procedures for Grant Application; Job Training Partnership Act, Program Year 1987-1988**

**AGENCY:** Office of the Assistant Secretary for Veterans' Employment and Training, Labor.

**ACTION:** Notice.

**SUMMARY:** This notice sets forth the procedures for obtaining the Solicitation for Grant Applications (SGA) for the operation of special employment and training programs for women veterans in accordance with Title IV, Part C of the Job Training Partnership Act (JTPA). The regulations contained at 20 CFR Part 635 provide guidance for the development and administration of programs authorized under this part.

**FOR FURTHER INFORMATION CONTACT:** (Mr. Jim Rude or Mr. Eric Rudert) Office of the Assistant Secretary for Veterans' Employment and Training, 200 Constitution Avenue NW., Rm. S1316, Washington, DC 20210, Telephone (202) 523-9110.

**SUPPLEMENTARY INFORMATION:** The Office of the Assistant Secretary for Veterans' Employment and Training announces the availability of approximately \$300,000 to fund special grants to provide employment and training services for women veterans. Through a competitive process, it is anticipated that three to five grants will be let in the range of \$80,000-\$120,000. The SGA is available and will be sent to interested parties by calling or writing the above contact person(s). Proposals are due by April 14, 1988.

Any organization that has the capability to provide employment and training services to women veterans may apply.

Signed at Washington, DC, this 24th day of February 1988.

Donald E. Shasteen,  
Assistant Secretary for Veterans'  
Employment and Training.

[FR Doc. 88-4385 Filed 2-29-88; 8:45 am]

BILLING CODE 4510-79-M

**Employment and Training Administration****Investigations Regarding Certifications of Eligibility to Apply for Worker Adjustment Assistance; A.E. Staley Manufacturing Co. et al.**

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this



notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or

threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 11, 1988.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment

Assistance, at the address shown below, not later than March 11, 1988.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street NW., Washington, DC 20213.

Signed at Washington, DC this 22nd day of February 1988.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

#### APPENDIX

Petitioner (Union/Workers/Firm)	Location	Date received	Date of petition	Petition No.	Articles produced
A.E. Stanley Manufacturing Co. (Workers).....	Caribou, ME.....	2/22/88	2/5/88	20,469	Potato Starch.
Abingdon Harwood (Workers).....	Abingdon, VA.....	2/22/88	2/5/88	20,470	Men's Underwear.
Bell Helicopter (Workers).....	Amarillo, TX.....	2/22/88	2/9/88	20,471	Helicopters.
Bill J. Graham Oil & Gas (Company).....	Midland, TX.....	2/22/88	1/6/88	20,472	Oil and Gas.
Bristol Steel and Iron Works, Inc. (Bridge, Structural & Ornamental Iron Wks).....	Bristol, VA.....	2/22/88	2/5/88	20,473	Steel.
Brownsville Manufacturing Co. (ILGWU).....	Brownsville, KY.....	2/22/88	2/10/88	20,474	Sportswear.
Charles of the Ritz Group Ltd. (Teamster).....	Holmdel, NJ.....	2/22/88	2/10/88	20,475	Cosmetics & Toiletries.
General Electric Co. (Company).....	Carroll, IA.....	2/22/88	2/8/88	20,476	Electro-Mechanical Timers.
Kennedy Mills (ACTWU).....	Janesville, WI.....	2/22/88	2/13/88	20,477	Fake Fur.
Martino Manufacturing Co. (ILGWU).....	Roseto, Pa.....	2/22/88	2/8/88	20,478	Blouses.
Taylor Lock Co. (IUE).....	Philadelphia, PA.....	2/22/88	2/8/88	20,479	Locks and Keys.
Universal Match Corp.....	Hudson, NY.....	2/22/88	2/7/88	20,480	Matches.
Wiser Oil Co. (The) (Workers).....	Leeco, KY.....	2/22/88	2/9/88	20,481	Crude Oil.
3M Company (Workers).....	Rochester, NY.....	2/22/88	2/5/88	20,482	X-Ray Film.

[FR Doc. 88-4386 Filed 2-29-88; 8:45 am]  
BILLING CODE 4510-30-M

#### LEGAL SERVICE CORPORATION

##### A Grant Award; to Fort Apache Legal Aid Society, Inc.; Request for Comment

**AGENCY:** Legal Services Corporation.

**ACTION:** The Legal Services Corporation (LSC) announces its intention to award a one-time, non-recurring grant of \$144,284 in calendar year 1988 to the Fort Apache Legal Aid Society, Inc. The purpose for making this grant is to provide legal services to the eligible client population of the White Mountain Apache Tribe/Fort Apache Indian Reservation (Arizona).

**DATE:** All comments and recommendations must be received by the Office of Field Services/Grants and Budget Division of LSC within thirty (30) calendar days of publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Ellen Smead, Manager, Grants and Budget Division, Legal Services

Corporation, Office of Field Services, 400 Virginia Avenue SW., Washington, DC 20024-2751, (202) 863-1837.

**SUPPLEMENTARY INFORMATION:** The Legal Services Corporation is the national independent organization charged with implementing the federally funded system of legal services for low-income people. It hereby announces its intention to award a grant of \$144,284 to Fort Apache Legal Aid Society, Inc. for the provision of legal services to the eligible client population of the White Mountain Apache Tribe/Fort Apache Indian Reservation (Arizona).

The annualized level of LSC Native American funding for the service area is approximately \$109,284 for calendar year 1988.

Interested persons are invited to submit written comments and/or recommendations concerning the above action to Ellen Smead.

Dated: February 24, 1988.

Mary C. Higgins,

Director Office of Field Services.

[FR Doc. 88-4284 Filed 2-29-88; 8:45 am]

BILLING CODE 6820-35-M

#### NATIONAL CAPITAL PLANNING COMMISSION

##### Memorandum of Understanding Between James T. Lewis Enterprises, Ltd., Regarding PortAmerica Project, Prince George's County, MD

**AGENCY:** National Capital Planning Commission.

**ACTION:** Proposed Amendments to Memorandum of Understanding.

**SUMMARY:** The National Capital Planning Commission (the Commission) entered into a Memorandum of Understanding (MOU) with James T. Lewis Enterprises, Ltd. on May 7, 1985, regarding the PortAmerica development in Prince George's County, Maryland. The MOU was incorporated in Pub. L. 99-215. The Commission was recently requested to amend the MOU because the developer has revised the Conceptual Site Plan for the project. On February 4, 1988, the Commission voted to circulate proposed amendments to the MOU. As provided in section (b)(3)(B) of Pub. L. 99-215, the MOU incorporating the proposed amendments is being published in the *Federal Register* for review and comment. The MOU will be



printed in final form after: (1) It has undergone review and comment as a result of this **Federal Register** publication; (2) the elapse of the 60-day Congressional layover required by Pub. L. 99-215; (3) consideration by the Commission of comments received about the proposed amendments; and (4) completion of the Commission's environmental review of the PortAmerica project. The current MOU and the maps incorporated in the proposed amended MOU are available at the Commission's office.

**DATE:** Comments must be received by March 31, 1988.

**FOR FURTHER INFORMATION CONTACT:**

Donald F. Bozarth, Associate Executive Director, Regional Affairs, National Capital Planning Commission, 1325 G St., NW., Washington, DC 20576, Telephone (202) 724-0185;

Katherine Barns Soffer, General Counsel, National Capital Planning Commission, 1325 G St., NW., Washington, DC 20576, Telephone (202) 724-0187.

Reginald W. Griffith, Executive Director.

**Proposed Amended Memorandum of Understanding by and Between the National Capital Planning Commission and James T. Lewis Enterprises, Ltd.**

**Purpose:**

This Memorandum of Understanding (Memorandum) is for the purpose of setting forth the agreement of the National Capital Planning Commission (hereinafter called the Commission) and James T. Lewis Enterprises, Ltd. (hereinafter called the Developer), regarding the imposition of restrictions on the development of the Smoot Bay Waterfront. The purpose and intent of these restrictions shall be to maintain the Developer's flexibility to preserve the financial viability and architectural integration of the project, and to provide the Commission with overall assurances that the land will be developed with regard for Federal interests in development along the shoreline of the Potomac River in the National Capital Region, including but not limited to public access to and along the Potomac River, views of Smoot Bay, as seen from the River, the Mount Vernon Memorial Highway and the Virginia shoreline, and the jurisdiction of the U.S. Army Corps of Engineers (hereinafter called the Corps) over any proposed construction in the River at this gateway location.

This MOU was initially executed on May 7, 1985. The developer requested that the MOU be amended to be consistent with his revised plan, which

reflects his extended discussions and agreements with interested and affected Federal, state and local agencies. The revised Land Use and Development Plan for PortAmerica was included in the Developer's environmental assessment submission, with supporting background documents, transmitted to the Commission on January 8, 1988. This plan was reviewed by the Commission on \_\_\_\_\_, 1988, as the basis for its consideration and approval of this amended MOU.

Public Law 99-215, authorizing the Secretary of the Interior to convey certain land to the Maryland-National Capital Park and Planning Commission (MNCPPC), requires, among other things, that the developer, in order to gain access across the land conveyed to MNCPPC, convey to the Commission an easement in perpetuity, which shall run with the land, incorporating the restrictions contained herein.

Now Therefore, the parties agree as follows:

**Definitions**

The following words shall have the following meanings in this Memorandum:

**Area of Land to Which Memorandum of Understanding Applies:** This agreement applies to land known as the Waterfront Parcel, which is owned by the developer, is located along and under Smoot Bay, is currently zoned M-X-T, and includes a portion of the Gudelsky Tract. It does not apply to land known as the Beltway Parcel, also owned by the developer located along Route 95 to the east of the subject waterfront property, except that it is understood and agreed that the developer will limit the height of buildings on the Beltway Parcel as described below in section 10.

**Building Height:** The maximum height of a building inclusive of vertical access cores, mechanical areas and structures, and other non-occupied penthouses located on building rooftops, but excluding architectural ornamentation such as balustrades, spires, etc., which may be accessible for public viewing but may not be inhabited. All building heights shall be measured at the lowest point on the adjacent ground.

**Commission:** The National Capital Planning Commission.

**Developer:** James T. Lewis Enterprises, Ltd., its successors and assigns.

**Shoreline:** The location of the mean high water mark on the Smoot Bay shoreline.

**Green Area:** An area of land associated with, and located on the same tract of land as, a major building

or group of buildings, in relation to which it serves to provide light and air or scenic, recreational, or similar purposes. Such space shall, in general, be available for entry and use by the occupants of the building or buildings involved but may include limited proportion of space so located and treated as to enhance the amenity of the development by providing landscaping features, screening for the benefit of the occupants of those in neighboring areas, or a general appearance of openness. Green area may include, but shall not be limited to, lawns, decorative plantings, wooded areas, landscaping areas covering structures that are not more than twelve (12) feet above ground level, sidewalks and walkways, active and passive recreational areas, and water surfaces that comprise not more than ten percent (10%) of the total green area. It shall not include parking lots or other vehicular surfaces on accessory buildings other than swimming pools or recreational buildings allowed by special exception as provided for in the Prince George's County Code, Subtitle 27. Zoning.

**Riparian Development:** Structures projecting beyond the new stabilized shoreline, including but not limited to boat docks, piers and slips, subject to the approval of the Corps.

**Restriction**

1. **Incorporation of Maps.** The following four figures or maps from the Developer's Revised Land Use and Development Plan for PortAmerica, included in the Developer's environmental assessment and supporting background documents, are incorporated as a part of this memorandum insofar as they relate to the Waterfront Parcel and the location of the World Trade Center, as specified above, and are attached hereto:

Figure	Title	NCPD Map File No.
C3-1 .....	Illustrative Site Plan.	3206.00 (05.12) 30012 11 of 4
C3-12 .....	Recreation .....	3206.00 (05.12) 30012 12 of 4
C3-20 .....	Landscape Concept.	3206.00 (05.12) 30012 13 of 4
	General Information Map.	3206.00 (05.12) 30012 14 of 4

Other than the location of the World Trade Center, as specified above, minor shifts and refinements in the location and footprint of buildings, structures and other features shown on these maps are acceptable to the extent that they do not change the conceptual site layout or the relationship of building masses,



structures and other features to the Waterfront. It is further agreed that any other deviation from the maps listed in this section in the Waterfront Parcel shall require an amendment pursuant to section 16 below to conform the map(s) to the deviation.

**2. Preservation of Green Area Along Shoreline.** The developer shall devote to green area at least 35% of an area to be defined as the portion of the property lying adjacent to and extending inland from the entire new shoreline of the property to a depth of 150 feet. The green area shall abut portions of the entire new shoreline totaling at least 2,500 linear feet. Green areas within 98 feet of the new shoreline generally extending from the northern boundary of the Gudelsky Tract of Rosier Point immediately east of the proposed restaurant shall not contain any buildings or structures, except that between 85 feet and 98 feet from the new shoreline, unenclosed building appurtenances, such as porches, steps and awnings, may be constructed. The approximately 3 acre "Rosalie Island" site shall not be considered green area.

**3. Other Green Areas.** The developer shall devote at least 35% of the area of the Smoot Bay Waterfront parcels to green area.

**4. Park Area on the Waterfront.** The portion of the Developer's property, adjacent to the National Park Service property, adjoining the Woodrow Wilson Bridge and generally known as "Rosalie Island", shall be devoted to active or passive public recreational uses. This area shall, if requested by the Maryland-National Capital Park and Planning Commission (MNCP&PC), be dedicated to the MNCP&PC as a public park.

**5. Hiker-Biker Trail.** The Developer will dedicate or grant easements for continuous public hiker-biker trails, to be located essentially along the entire new shoreline that will permit future connections with proposed trails, including the Potomac Heritage Trail, along the Potomac River north and south of Smoot Bay (as shown on the "Recreation" map, NCPC File No. 3206.00 (05.12) 30012, sheet 2 of 4).

**6. Filling in the Bay.** Subject to the requirements of the Corps, the developer may fill an area of up to 1.1 acres beyond the existing shoreline in Smoot Bay. No filling seaward of the existing mean high water mark shall be permitted in the Potomac River south of Rosier Point. All filling in the Bay shall be done in compliance with applicable Federal, state and local law.

**7. North Marina.** Subject to the requirements of the Corps, the North Marina may be developed on the Bay

north of the Gudelsky Tract, as shown on the General Information Map, NCPC Map File No. 3206.00 (05.12) 30012, sheet 4 of 4.

The North Marina shall not exceed 19 acres, and may include:

a. A central pier extending into the Bay with double loaded piers for 350 slips. Additional slips may be transferred from the South Marina, except that the footprint of the North Marina shall not change from that shown on the General Information Map, NCPC File No. 3206.00 (05.12) 30012, sheet 4 to 4.

b. Public access on the central pier to a viewing area at the end of the pier and a gazebo to be used only for public viewing purposes.

c. A double pier off of the central pier for floating commercial vessels, not to exceed a cumulative total of 30,000 square feet of gross leasable area, subject to licensing by the United States Coast Guard.

d. A jib crane not to exceed a lifting capacity of 3 tons.

e. A fueling dock.

Permitted uses within the North Marina except for the floating commercial vessels shall be of a marina-related character, architecturally integrated with the surrounding commercial and residential development and in compliance with applicable Federal, state and local law. No uses within the Marina shall be permitted which would have an adverse effect on the Bay or adjacent development or which would constitute a detriment to the health, safety, or comfort of workers or residents in the area, due to but not limited to such factors as noise, smoke odors, vibration, or dust. No buildings or structures shall be built over the boat docks, piers or slips in the Marina, except for the unenclosed gazebo in the viewing area at the end of the central pier, the jib crane and a shed on the fueling dock.

**8. South Marina.** Subject to the requirements of the Corps, a South Marina may be developed on the Bay within 800 feet of the tip of Rosier Point, as shown on the General Information Map, NCPC Map File No. 3206.00 (05.12) 30012, sheet 4 of 4. The South Marina shall consist of no more than 150 slips. If the Developer decides to transfer some boat slips from the South to the North Marina, the size or footprint of the South Marina shall be reduced proportionately.

Permitted uses within the South Marina shall be of a marina-related character, architecturally integrated with the surrounding commercial and residential development and in compliance with applicable Federal, state and local law. No uses within the

Marina shall be permitted which would have an adverse effect on the Bay or adjacent development or which would constitute a detriment to the health, safety, or comfort of workers or residents in the area, due to but not limited to such factors as noise, smoke, odors, vibration, or dust. No buildings or structures shall be built over the boat docks, piers or slips in the Marina.

The total number of boat slips for both the North and South Marinas shall not exceed a total of 500.

**9. Other Riparian Development.** Other than the North and South Marinas, no other riparian development beyond the new shoreline shall be permitted except the following:

a. A Visitor Center/Harbor Master Building, an Open Arcade and adjacent pier.

b. A double pier, known as the Water Transportation Pier, generally located between the North Marina and the Gudelsky Tract for the use of ferries, water taxi service, visiting cruise ships and other temporary docking of watercraft, and

c. A fishing pier and rental facility for non-motorized boats on Rosalie Island or elsewhere in the adjacent MNCP&PC park.

**10. Building Heights.** There shall be a maximum height limit of 65 feet for buildings on the Waterfront Parcel. It is further agreed by the parties, that on the Beltway Parcel:

a. the developer will limit the height of the tallest building, known as the World Trade Center, to a maximum elevation of 472 feet above mean sea level, which may consist of twenty two stories and a multi-level lobby above ground and other uses permitted within the definition of "Building Height", at the location shown on the "General Information Map", NCPC File No. 3206.00(05.12)30012—sheet 4 of 4; and

b. no other building will exceed a height of sixteen (16) stories and other uses permitted within the definition of "Building Height".

**11. Shoreline Stabilization.** Subject to the requirements of the Corps, the Developer shall retain the right to bulkhead the entire shoreline, as may be necessary according to sound engineering practice, to stabilize the shoreline. The Developer will maintain or provide where practicable trees, shrubs and other landscaping along the entire shoreline.

**12. Parking.** Parking areas, garages, or compounds shall to the extent practicable be designed so as not to be seen from the water. This will be accomplished through the use of



landscaping, screening and similar means.

13. *Views.* The design of the entire waterfront development shall, to the extent possible, preserve and architecturally enhance views from the Potomac River and the Virginia shoreline.

14. *Aquatic Resources.* The Developer commits to minimize adverse impacts on existing aquatic resources, including wetlands and fisheries, and provide appropriate mitigation measures to compensate for unavoidable adverse effects, in compliance with applicable Federal, state, and local laws and regulations.

15. *Landscaping.* The Developer agrees to landscape all proposed development in order to restore as much of the tree covered character of the shoreline and the hillside as practicable (as shown on the "Illustrative Site Plan" and "Landscape Concept" maps, NCPC Map No. 3206.00 (05.12) 30012, sheets 1 and 2 of 4).

16. *Amendments.* This agreement may be modified at any time by the mutual agreement of NCPC and James T. Lewis Enterprises, Ltd. regarding aspects of the development which a. serve to carry out the general intent of this agreement, b. effect the implementation of Section 1, and c. which would improve the attractiveness of the development.

WHEREFORE, we have set our hands and seals this \_\_\_\_ day of \_\_\_\_\_

James T. Lewis Enterprises, Ltd.

By \_\_\_\_\_  
James T. Lewis, President  
National Capital Planning Commission

By \_\_\_\_\_  
Robert J. Nash, Vice Chairman  
[FR Doc. 88-4298 Filed 2-29-88; 8:45 am]

BILLING CODE 7520-02-M

## NATIONAL SCIENCE FOUNDATION

### Committee Management; of Advisory Committee for Science and Engineering Education

The NSF Advisory Council and the Advisory Committee for Science and Engineering Education are being renewed for an additional 2 years.

The Director of the National Science Foundation and the Assistant Director for Science and Engineering Education, respectively, have determined that the renewal of their Committees is necessary and in the public interest. This determination follows consultation with the Committee Management

Secretariat, General Services Administration.

M. Rebecca Winkler,

Committee Management Officer.

February 25, 1988.

[FR Doc. 88-4350 Filed 2-29-88; 8:45 am]

BILLING CODE 7555-01-M

## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Record Keeping Requirements Under Office of Management and Budget Review

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of the Office of Management and Budget (OMB) review of information collection.

**SUMMARY:** The Nuclear Regulatory Commission has recently submitted to the OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

1. *Type of Submission, new revision or extension:* Extension.

2. *The title of the information collection:* Certificate of Medical Examination by Facility Licensee.

3. *The form number if applicable:* NRC Form 396.

4. *How often the collection is required:* Upon application for an initial operator license, and every six years for the renewal of operator or senior operator licenses.

5. *Who will be required or asked to report:* Facility employers of applicant's for operators' licenses.

6. *An estimate of the number of responses:* 1000 annually.

7. *An estimate of the total number of hours needed to complete the requirement or request:* 350 hours.

8. *An indication of whether section 3504(h), Pub. L. 9696-511 applies:* Not applicable.

9. *Abstract:* NRC Form 396 establishes the procedure for transmitting information to the NRC regarding the medical condition of applicants for initial or renewal operator licenses.

**ADDRESSES:** Copies of the submittal may be inspected or obtained for a fee from the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

**FOR FURTHER INFORMATION:** Comments and questions should be directed to the OMB reviewer Vartkes L. Broussalian, (202) 395-3084.

NRC Clearance Officer is Brenda J. Shelton, (301) 492-8132.

Dated at Bethesda, Maryland, this 22nd day of February 1988.

For the Nuclear Regulatory Commission.  
William G. McDonald,  
Director, Office of Administration and Resources Management.

[FR Doc. 88-4361 Filed 2-29-88; 8:45 am]

BILLING CODE 7590-01-M

### Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on March 17 and 18, 1988, Room 1046, 1717 H Street, NW., Washington, DC.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, March 17, 1988-8:30 a.m. until the conclusion of business

Friday, March 18, 1988-8:30 a.m. until the conclusion of business

The Subcommittee will review the following nuclear waste management topics: (1) Q-List GTP, (2) TMI-2 waste liner event, (3) recent developments in LLW licensing, (4) status of state compacts, (5) monitoring of LLW sites, (6) methodology for setting nuclear waste management research priorities, and (7) summary report on Sandia National Laboratory Performance Assessment review meeting, March 15-16, 1988.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee may exchange preliminary views regarding matters to be considered during the balance of the meeting. The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements



and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant ACRS staff member, Mr. Owen S. Merrill (telephone 202/634-1413) between 7:15 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., which may have occurred.

Dated: February 25, 1988.

Morton W. Libarkin,

*Assistant Executive Director for Project Review.*

[FR Doc. 88-4408 Filed 2-29-88; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-298]

**Nebraska Public Power District;  
Consideration of Issuance of  
Amendment to Facility Operating  
License and Proposed No Significant  
Hazards Consideration Determination  
and Opportunity for Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DRP-46, issued to Nebraska Public Power District, (the licensee), for operation of Cooper Nuclear Station, located in Nemaha County, Nebraska.

The proposed amendment would modify the Technical Specifications (TS) to permit the use of fuel assembly and control blade Lead Test Assemblies under the provisions of 10 CFR 50.59. Specifically, during the forthcoming Cycle 11 refueling outage, the licensee, in cooperation with the reactor vendor (General Electric Co.) plans to install two Lead Test Assembly (LTA) control blades and four LTA fuel assemblies of different designs than previously approved for Cooper Nuclear Station.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the request for amendment involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3)

involve a significant reduction in a margin of safety.

The Commission, in a letter from T. Ippolitto to R. Engel, dated September 23, 1981 encouraged LTA test programs and stated that as long as analyses of LTAs use approved methods and meet approved criteria, it will be concluded that no unreviewed safety question exists. Under the terms of the proposed amendment, LTA installations will be verified by the licensee to be in accordance with approved methods and criteria and a report forwarded to the Commission at least 30 days prior to operation. Accordingly, the proposed amendment would not: (1) Involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Comments should be addressed to the Rules and Procedures Branch, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice.

By March 31, 1988, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Request for a hearing and petitions for leave to intervene must be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board Panel will rule on the request and/or petition, and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene must set forth with particularity the interest of the petitioner in the proceeding, and

how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which the petitioner wishes to intervene. Any person who has filed a petition or leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, the petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter, and the bases for each contention set forth with reasonable specificity. Contentions shall be limited to matters within the scope of the amendment under consideration. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the request for amendment involves no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change



during the notice such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and state comments received. Should the Commission take this action, it will publish a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325-6000 (in Missouri (800) 342-6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Jose A. Calvo: Petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this *Federal Register* notice. A copy of the petition should also be sent to the Office of the General Counsel-Rockville, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Mr. G.D. Watson, Nebraska Public Power District, Post Office Box 499, Columbus, Nebraska 68601, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board, that the request should be granted based upon a balancing of the factors specified in 10 CFR 2.174(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, DC, and at the Auburn Public Library, 118 15th Street, Auburn, Nebraska 68305.

Dated at Rockville, Maryland, this 23rd day of February, 1988.

For the Nuclear Regulatory Commission.

George F. Dick, Jr.,

Acting Director, Project Directorate—IV,  
Division of Reactor Projects—III, IV, V and  
Special Projects, Office of Nuclear Reactor  
Regulation.

[FR Doc. 88-4362 Filed 2-29-88; 8:45 am]

BILLING CODE 7590-01-M

## PRESIDENTIAL COMMISSION ON THE HUMAN IMMUNODEFICIENCY VIRUS EPIDEMIC

### Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the Presidential Commission on the Human Immunodeficiency Virus Epidemic will hold a public meeting on Wednesday, Thursday, and Friday, March 16, 17 and 18, in the Vanderbilt University's Stadium Club located at 25th Avenue and Kensington Street in Nashville, Tennessee, from 9:00 a.m. to 5:30 p.m. each day.

During this three-day hearing, the Commission will receive testimony relating to the extent of discrimination in the workplace, housing and schools; ethics as applied to providing care and research; and testing relative to issues such as confidentiality, effectiveness and duty to warn others.

Records shall be kept of all Commission proceedings and shall be available for public inspection at 655—15th Street, NW., Suite 901, Washington, DC 20005.

Polly L. Gault,

Executive Director.

[FR Doc. 88-4437 Filed 2-29-88; 8:45 am]

BILLING CODE 4160-15-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-25390; File No. SR-MCC-87-6]

### Self-Regulatory Organizations; Proposed Rule Change by Midwest Clearing Corp.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1987 the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to

solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change implements the Midwest Clearing Corporation's ("MCC") File Transmission Service ("FTS"), an enhanced communications link between MCC and its Participants.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

#### (A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

FTS is designed to provide a communications link between MCC and its Participants. The objective of FTS is to provide a file transmission interface commonly known as CPU to CPU, between MCC's computer system and the system of a member firm, service bureau, etc., via a data communications line.

FTS will allow Participants' in-house systems to communicate directly with MCC and vice-versa, by means of a dedicated line or dial-up connection. FTS will minimize double entry work for end-of-day reconciliation at participant firms. Currently, firms must update internal systems as well as the MCC System each day for all input and output functions. With FTS, firms may transmit data from their in-house systems and automatically create entries for MCC. MCC will also be able to communicate electronically to both IBM and non-IBM main frame computers.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended (the "Act"), in that it promotes the prompt and accurate clearance and settlement of securities transactions.

#### (B) Self-Regulatory Organization's Statement on Burden on Competition

MCC does not believe that any burdens will be placed on competition as a result of the proposed rule change.



*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments have not been solicited nor received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street NW., Washington, DC. Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to SR-MCC-87-6, and should be submitted by March 22, 1988.

For the Commission, by the Division of Market Regulations, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary.

Dated: February 23, 1988.

[FR Doc. 88-4343 Filed 2-29-88; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-25389; File No. SR-MSTC-87-7]

**Self-Regulatory Organizations; Proposed Rule Change by Midwest Securities Trust Co.**

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on December 28, 1987 the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The proposed rule change implements the Midwest Securities Trust Company's ("MSTC") File Transmission Service ("FTS"), an enhanced communications link between MSTC and its Participants.

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B) and (C) below, of the most significant aspects of such statements.

*(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

FTS is designed to provide a communications link between MSTC and its Participants. The objective of FTS is to provide a file transmission interface, commonly known as CPU to CPU, between MSTC's computer system and the system of a member firm, service bureau, etc., via a data communications line.

FTS will allow Participants' in-house systems to communicate directly with MSTC and vice-versa, by means of a dedicated line or dial-up connection. FTS will minimize double entry work for end-of-day reconciliation at participant firms. Currently, firms must update internal systems as well as the MSTC System each day for all input and output

functions. With FTS, firms may transmit data from their in-house systems and automatically create entries for MSTC. MSTC will also be able to communicate electronically to both IBM and non-IBM main frame computers.

The proposed rule change is consistent with the requirements of the Securities Exchange Act of 1934, as amended (the "Act"), in that it promotes the prompt and accurate clearance and settlement of securities transactions.

*(B) Self-regulatory Organization's Statement on Burden on Competition*

MSTC does not believe that any burdens will be placed on competition as a result of the proposed rule change.

*(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others*

Comments have not been solicited nor received on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submission should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC.



Copies of such filing will also be available for inspection and copying at the principal office of the above-referenced self-regulatory organization. All submissions should refer to SR-MSTC-87-7 and should be submitted by March 22, 1988.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 23, 1988.

Jonathan G. Katz,  
Secretary.

[FR Doc. 88-4344 Filed 2-29-88; 8:45 am]

BILLING CODE 8010-01-M

## DEPARTMENT OF TRANSPORTATION

[Order 88-2-56]

### Aviation Proceedings; Order Instituting the United States-Venezuela All-Cargo Exemption Proceeding

**AGENCY:** Department of Transportation.

**ACTION:** Institution of the *United States-Venezuela All-Cargo Exemption Proceeding* and Consolidation of Exemption Applications: Order 88-2-56. Dockets 45466, 44507, 44572 and 44826.

**SUMMARY:** The Department is instituting a show-cause exemption proceeding to select one carrier to provide scheduled all-cargo service between the United States and Venezuela through October 25, 1989. The Department is inviting all U.S. carriers who are interested in serving the U.S.-Venezuela all-cargo market to file exemption applications. The Department is also consolidating the applications of Challenge Air Cargo, Inc. (Docket 44507), Arrow Air, Inc. (Docket 44507), and Florida West Airlines, Inc. (Docket 44826) into this proceeding for contemporaneous consideration.

**DATES:** Applications containing service proposals and supporting information, motions to consolidate, and petitions for reconsideration are due not later than March 16, 1988. Answers are due not later than March 28, 1988.

**ADDRESS:** Applications, supporting information, motions to consolidate, and petitions for reconsideration should be filed in Docket 45466, addressed to the Documentary Services Division, U.S. Department of Transportation, 400 Seventh Street, SW., Room 4107, Washington, DC 20590, and should be served on all parties in Docket 45466.

Dated: February 25, 1988.

Matthew V. Scocozza,  
Assistant Secretary for Policy and International Affairs.

[FR Doc. 88-4353 Filed 2-29-88; 8:45 am]

BILLING CODE 4910-62-M

## National Highway Traffic Safety Administration

[Docket No. IP88-01; Notice 01]

### Uniroyal Goodrich Tire Co.; Receipt of Petition for Determination of Inconsequential Noncompliance

Uniroyal Goodrich Tire Company, Akron, Ohio, has petitioned to be exempted from the notification and remedy requirements of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 *et seq.*) for an apparent noncompliance with 49 CFR 571.119, Federal Motor Vehicle Safety Standard No. 119, "New Pneumatic Tires for Vehicles other than Passenger Cars", on the basis that it is inconsequential as it relates to motor vehicle safety.

This Notice of receipt of a petition is published under Section 157 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1417) and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Paragraphs S6.5(d) and S6.5(f), "Tire Markings", of Standard No. 119, require that tires be marked with the maximum load rating and corresponding inflation pressure and the actual number of plies. During the production weeks of August 16, 1987, through October 27, 1987, Uniroyal manufactured 5,000 31×10.50R LT Uniroyal Laredo raised white letter sidewall tires that do not comply with Standard No. 119. These tires were labeled with the incorrect maximum load, corresponding inflation pressure and ply rating. The correct branding of these tires is:

Load Range C  
Max. Load, 2,250 lbs. at 50 PSI cold  
6 Ply Rating

However, Uniroyal branded the tires on both sidewalls as follows:

Load Range C  
Max. Load 1,750 lbs. at 35 PSI cold  
4 Ply Rating

Uniroyal argues that the noncompliance is inconsequential because the correct load range and ply rating are imprinted on the paper label adhered to the tread of the tire.

Interested persons are invited to submit written data, views and arguments on the petition of Uniroyal Goodrich Tire Company, described above. Comments should refer to the

Docket Number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5109, 400 Seventh Street SW., Washington, DC 20590. It is requested but not required that six copies be submitted.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, the Notice will be published in the *Federal Register* pursuant to the authority indicated below.

Comment closing date: March 31, 1988.

(Sec. 102, Pub. L. 93-492, 88 Stat. 1470 (15 U.S.C. 1417); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on February 25, 1988.

Barry Felrice,

Associate Administrator for Rulemaking,  
[FR Doc. 88-4354 Filed 2-29-88; 8:45 am]

BILLING CODE 6560-50-M

## DEPARTMENT OF THE TREASURY

### Public Information Collection Requirements Submitted to OMB for Review

Date: February 25, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

#### Bureau of Alcohol, Tobacco and Firearms

OMB Number: 1512-0352

Form Number: ATF REC 5170/1

Type of Review: Extension

Title: Importers Records and Reports (Alcoholic Beverages)

Description: Importers are required to maintain usual and customary business records and file letter applications or notices related to specific regulated activities.

Respondents: Businesses or other-for profit, Small businesses or organizations

Estimated Burden: 50 hours



**Clearance Officer:** Robert Masarsky  
(202) 566-7077, Bureau of Alcohol,  
Tobacco and Firearms, Room 7011,  
1200 Pennsylvania Avenue NW.,  
Washington, DC 20226

**OMB Reviewer:** Milo Sunderhauf (202)  
395-6880, Office of Management and  
Budget, Room 3208, New Executive  
Office Building, Washington, DC  
20503.

**Dale A. Morgan,**

*Departmental Reports Management Officer.*

[FR Doc. 88-4392 Filed 2-29-88; 8:45 am]

BILLING CODE 4810-25-M

### Public Information Collection Requirements Submitted to OMB for Review

Date: February 25, 1988.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 15th and Pennsylvania Avenue NW., Washington, DC 20220.

#### Bureau of the Public Debt

**OMB Number:** 1535-0013

**Form Number:** PD 1048

**Type of Review:** Extension

**Title:** Application for Relief on Account of Loss, Theft, Destruction, Mutilation or Non-Receipt of United States Savings and Retirement Securities

**Description:** PD 1048 is used by owners of securities to request relief from lost, stolen or destroyed securities to obtain a substitute security or payment in lieu thereof.

**Respondents:** Individuals or households

**Estimated Burden:** 29,600 hours

**OMB Number:** 1535-0031

**Form Number:** PD 3570

**Type of Review:** Extension

**Title:** Request for Reissue of U.S. Retirement Plan or Individual Retirement Bonds to Correct an Error in Registration

**Description:** PD 3570 is used by bond owners to request reissue of their retirement type securities to correct the registration.

**Respondents:** Individuals or households

**Estimated Burden:** 50 hours

**OMB Number:** 1535-0033

**Form Number:** PD 3564

**Type of Review:** Extension

**Title:** Request for Reissue of U.S. Retirement Plan or Individual

Retirement Bonds to Change Beneficiary or Reflect Change of Name

**Description:** PD 3564 is used by bond owners to request reissue of retirement type securities to change beneficiaries or to change the name of the registered owner.

**Respondents:** Individuals or households

**Estimated Burden:** 51 hours

**OMB Number:** 1355-0035

**Form Number:** PD 4881

**Type of Review:** Extension

**Title:** Application for Payment of U.S. Savings Bonds of Series EE or HH or Related Checks in an Amount not Exceeding \$1,000 by the Survivor or a Deceased Owner Whose Estate is Not Being Administered

**Description:** PD 4881 is used by survivors of deceased bond owners to apply for proceeds from bonds, or related checks.

**Respondents:** Individuals or households

**Estimated Burden:** 991 hours

**OMB Number:** 1535-0036

**Form Number:** PD 2513

**Type of Review:** Extension

**Title:** Application by Voluntary Guardian of Incompetent Owner of U.S. Savings Bonds/Notes

**Description:** PD 2513 is used by guardians of incompetent bond owner(s) to establish their right to act on behalf of the incompetent in requesting payment of the bonds.

**Respondents:** Individuals or households

**Estimated Burden:** 2,600 hours

**Clearance Officer:** Nancy Veret (202) 376-3902, Bureau of the Public Debt, Room 445, 999 E. Street NW., Washington, DC 20226

**OMB Reviewer:** Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503

**Dale A. Morgan,**

*Departmental Reports Management Officer.*

[FR Doc. 88-4393 Filed 2-29-88; 8:45 am]

BILLING CODE 4810-25-M

### Customs Service

#### New Information Dissemination Product Pursuant to OMB Circular A-130

**AGENCY:** U.S. Customs Service,  
Department of the Treasury.

**SUMMARY:** This document informs the public of Customs decision with respect to the scope and nature of a new information dissemination product, the Automated Surety Interface. Under this program, Customs will furnish certain information to participating surety companies whose bonds cover Customs

entries. Certain of this information is to be provided irrespective of any claim by Customs against the surety. The program provides surety companies with information which will enable them to more efficiently conduct their Customs business. The ultimate goal of the program is to implement an interactive interface between Customs and sureties which will significantly expedite the payment by sureties of claims by Customs.

**FOR FURTHER INFORMATION CONTACT:**  
Gil Jordan, Office of Trade Operations  
(202) 566-6232.

#### SUPPLEMENTARY INFORMATION:

##### Background

In a notice published in the *Federal Register* dated August 17, 1987 (52 FR 30762), Customs informed the public that it was proposing an Automated Surety Interface through its Automated Commercial System. The notice set forth the scope of the program, specifically enumerated the data elements involved, and invited public comment as to the impact, if any, of the furnishing of this data to surety companies. Specifically, the public was asked whether providing this information to the sureties would cause competitive harm to a business or its customers or suppliers.

##### Discussion of Comments

Twenty comments were received in response to the notice, some quite detailed, touching on various aspects of the proposal. The commenters disagreed strongly on the advisability and the propriety of this initiative. Some felt that providing any of the information to sureties was unwise. Others felt that a surety is entitled to receive all information Customs possesses. Still others argued for a middle ground, claiming that the information should only be provided after a breach of the bond has occurred.

**Comment:** A surety and a surety association express the view that a surety is entitled, as a matter of law, to all information which Customs possesses which relates to a transaction in which the surety is acting as a surety. The commenters argue that a surety is a full party to the commercial transaction from its inception with all the attendant rights to data.

**Customs Response:** We do not agree that the surety is fully entitled to receive all data relating to the entry prior to a breach of the bond or a claim for duties owed. Prior to this time, the surety has only a potential obligation for the payment of duties or penalties. While this potential interest distinguishes the surety from other entities, it is not



enough to justify total disclosure. Accordingly, Customs has attempted to provide only those data elements which will be of use to the surety without jeopardizing the commercial interest of others.

**Comment:** Many of the commenters emphasized the distinction between information which they felt the surety companies were entitled to following a breach of the bond and information which should be provided prior to that time. These commenters felt that the surety's interest in the transaction prior to a breach had not ripened sufficiently to give rise to a need for or an entitlement to any entry information. The commenters felt that after a breach of the bond, the surety is entitled to receive any information which would enable it to defend against the claim by the Customs Service.

**Customs Response:** Customs agrees that the surety's right to information after a breach or after a bill for duties has been issued is enhanced since the surety is jointly and severally liable to Customs. As stated previously, Customs believes, however, that prior to a claim, the surety's contingent liability for penalties and duties sufficiently distinguishes it from entities which have no nexus to the transaction to permit the providing of certain entry information, provided that revealing that information will not cause competitive harm to a business. It should be noted that much of the data being provided to the surety is data which the surety receives from its principals or agents. Thus the surety's position as a matter of a commercial practice is different from a disinterested third party.

**Comment:** Several commenters identified one or more of the data elements which are being provided as commercially sensitive and argued that their disclosure, either alone or in conjunction with other publicly available information could cause competitive harm to their business. Specifically, these commenters felt that certain of the data elements would disclose the nature, quantity or the value of the commodity being imported.

**Customs Response:** Customs has reviewed the data elements involved and has made changes. Where a data element is regarded as commercially sensitive, it will only be provided after a breach of the bond has occurred or a actual liability exists. For example, the data elements relating to the existence and amount of antidumping or countervailing duties assessed will not be provided in advance of a claim. Another example is that Customs will not disclose the particular division of

the principal using the bond unless a claim is being asserted.

In addition, based on comments received, Customs has decided to eliminate the name of the ultimate consignee as part of the interface. This data element may be very commercially sensitive and is not necessary to the operation of the interface, since the surety has no recourse to this party.

**Comment:** Several commenters felt that sanctions should be provided for any surety which discloses any information acquired in the interface to other persons.

**Customs Response:** Customs is not aware of instances involving the improper use of this information in the past. As a prophylactic measure, however, Customs will require participating surety companies to sign an agreement under which they would agree not to disclose the information to outside parties. In the event that such an agreement is not honored, Customs could discontinue access to the surety interface for that company.

**Comment:** One of the commenters expressed concern that the interface was simply a method to extract payment from sureties without providing them with information that is necessary for them to be able to defend against claims. The interface, this commenter argues, is merely a pretext for overzealous collection in violation of due process rights.

**Customs Response:** The Automated Surety Interface is a voluntary and cooperative effort between Customs and a surety company. Its goal is to improve rather than frustrate the dissemination of necessary data from Customs to the surety. The program serves to enhance rather than diminish the quality of the information being made available to sureties.

**Comment:** One commenter complains Customs should have used more than one surety company to test the interface, so that other sureties may enjoy the benefits of receiving this data.

**Customs Response:** Since the interface was initially conceived, Customs has made clear its willingness to work with the surety industry in order to develop procedures for the more efficient exchange of information. One company, Washington International, came forward and expressed interest. This company is both large enough and automated enough to be a suitable test company. Customs will consider requests by other sureties to participate in this phase of the program. Of course, Customs eventually envisions that the Automated Surety Interface will involve participation by all sureties.

**Comment:** Apart from the issue of confidential commercial information, several commenters questioned the necessity of providing much of this data to the surety prior to a breach. The surety, they argue, has no use for such pre-breach information.

**Customs Response:** The data provided by Customs will be used by the surety to better supervise and manage its bond obligations to Customs, including the setting of reserves and the assessment of risks. Customs has been assured that by providing this data, the surety will be more prompt in the payment of Customs claims. Should these benefits not be forthcoming, Customs will reassess the decision to continue the interface.

**Comment:** One commenter apparently believes that a surety will be able to receive data relating to transactions in which another surety company is a party.

**Customs Response:** The data provided to the surety is limited to transactions in which the surety acts as surety.

## Implementation

As indicated above, Customs has decided to modify in part the data elements being provided as part of the interface. The modification of this data will require a reprogramming period of several weeks. The data elements as modified are set forth as appendices to this document. Appendix 1 consists of entry data which will be provided regardless of a breach of the bond or a claim by Customs. Appendix 2 relates to bills issued. Appendix 3 consists of data relating to fines, penalties, and forfeitures cases.

Dated: February 24, 1988.

E.H. Mach,

Assistant Commissioner, Office of Commercial Operations.

## Appendix 1—Data Elements to be Provided Regardless of a Claim by Customs

### A. Open Entry Data

1. Entry Number
2. Entry Type
3. Region, District, Port of Entry
4. Filer Code
5. Surety Code
6. Bond Type
7. Bond Number
8. Bond Location
9. Entry Date
10. Entry Summary Date
11. Entry Release Date
12. Reason for Late Filing
13. Late Reporting Date
14. Cancel Reason
15. Cancel Date
16. Extension Suspension Code



17. Extension/Suspension Date
18. Number of Extensions
19. Reject Date
20. Protest Status
21. Protest Date
22. Document Filing Location
23. Importer of Record (Name and Number of the Bond Principal Only)
24. Payment Status
25. Delayed Antidumping Duties Code
26. Delayed Countervailing Duties Code

#### B. Liquidated Entry Data

1. Entry Number
2. Surety Code
3. Number of Liq./Reliq.
4. Liquidation Date
5. Document Filing Location

#### Appendix 2—Data To Be Provided After a Bill Has Issued

1. Bill Number
2. Surety Code
3. Bill Type
4. Bill Date
5. Bill Status
6. Bill Age
7. Importer Number
8. Document Number
9. Protest Date
10. Protest Decision Date
11. Bill Amount
12. Principal Amount
13. Interest Amount
14. Payment Amount
15. Cancel Code
16. Amount of Estimated Duty
17. Amount of Estimated Taxes
18. Amount of Estimated Antidumping Duty
19. Amount of Estimated Countervailing Duty
20. Amount of Duty Paid
21. Amount of Tax Paid
22. Amount of Antidumping Duty Paid
23. Amount of Countervailing Duties Paid
24. Liquidated Duty Amount
25. Liquidated Antidumping Duty Amount
26. Liquidated Countervailing Duty Amount
27. Liquidated Tax Paid

#### Appendix 3—Data Provided After a Breach Has Occurred

1. Case Number
2. Surety Code
3. Bond Number
4. Violator ID
5. Violator Name
6. Violator Code

7. Violation Type
  8. Status of Violation
  9. Status Date
  10. Violation Date
  11. Entry Number
  12. Penalty Amount
  13. Mitigated Amount
  14. Collection Amount
  15. Violation Citation
  16. Violation Description
  17. Effective Date of Bond
  18. Bill or Refund Date
  19. Bill or Refund Amount
  20. Amount of Estimated Duty
  21. Amount of Estimated Taxes
  22. Amount of Estimated Antidumping Duty
  23. Amount of Estimated Countervailing Duty
  24. Amount of Duty Paid
  25. Amount of Tax Paid
  26. Amount of Antidumping Duty Paid
  27. Amount of Countervailing Duties Paid
  28. Liquidated Duty Amount
  29. Liquidated Antidumping Duty Amount
  30. Liquidated Countervailing Duty Amount
  31. Liquidated Tax Paid
- [FR Doc. 88-4348 Filed 2-29-88; 8:45 am]  
BILLING CODE 4820-02-M

#### UNITED STATES INFORMATION AGENCY

##### Private Not-for-Profit Organizations in Support of International Educational and Cultural Activities; Grants Program

The United States Information Agency (USIA) announces a program of selective assistance and limited grant support to non-profit activities of United States institutions and organizations in the Private Sector. The program is designed to increase mutual understanding between the people of the U.S. and other countries and to strengthen the ties which unite our societies. The information collection involved in this solicitation is covered by OMB Clearance Number 3116-0175, entitled "A Grants Program for Private, Non-Profit Organization in Support of International Educational and Cultural Activities," announced in the Federal Register June 3, 1987.

Private Sector Organizations interested in working cooperatively with USIA on the following concept are encouraged to so indicate:

##### Chile: The Judicial System and the Transition to Democracy

The Office of Private Sector Programs will assist in supporting an exchange that will bring ten judges from Chile to the United States to share insights on the role of the judiciary in the development of democracy and to examine the American judicial system. The participants from Chile will be selected by USIA representatives abroad. The project, scheduled for June 1988, will be conceived and executed by a U.S. not-for-profit institution with expertise in the field of American judicial structures and processes. The program design will include discussions on the American judicial system; substantive meetings with working judges and lawyers; and opportunities to observe courtroom proceedings, trial preparation, the prison system, law schools—in short, all aspects of the U.S. judicial system.

USIA is most interested in working with organizations that show promise for innovative and cost-effective programming; and with organizations that have potential for obtaining private-sector funding in addition to USIA support. Organizations must have the substantive expertise and logistical capability needed to successfully develop and conduct the above project and should also demonstrate a potential for designing programs which will have lasting impact on their participants.

Interested organizations should submit a request for complete application materials—postmarked no later than fifteen days from the date of this notice—to the address listed below. The Office of Private Sector Programs will then forward a set of materials, including proposal guidelines. Please refer to this specific program with Chile by name in your letter of interest.

Office of Private Sector Programs,  
Bureau of Educational and Cultural Affairs, (ATTN: Initiative Programs)  
United States Information Agency, 301  
4th Street Southwest, Washington, DC  
20547.

Dated: February 23, 1988.

Robert Francis Smith,  
Director, Private Sector Programs,  
[FR Doc. 88-4297 Filed 2-29-88; 8:45 am]  
BILLING CODE 8230-01-M



# Corrections

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents and volumes of the Code of Federal Regulations. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 26 and 52

[Federal Acquisition Circular 84-32]

### Federal Acquisition Regulation; Miscellaneous Amendments

#### Correction

In rule document 88-367 beginning on page 660 in the issue of Monday, January 11, 1988, make the following corrections:

1. On page 662, in the first column, under the heading for Part 26, in the first

line of the note, "contains to text" should read "contains no text".

#### 52.222-37 [Corrected]

2. On page 663, in the third column, in section 52.222-37, in paragraph (f) of the clause, in the third line, "order or" should read "order of".

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 85-AWP-38]

### Alteration of the San Diego Terminal Control Area, CA

#### Correction

In rule document 88-2599 beginning on page 3714 in the issue of Monday, February 8, 1988, make the following corrections:

#### § 71.401 [Corrected]

1. On page 3717, in § 71.401, in the third column, under "Boundaries", in the fourth line, "long. 117°40'45"" should read "long. 117°30'45"".

2. On page 3718, in the second column, in the first complete paragraph, in the last line, "radial" was misspelled.

3. On the same page, in the same column, in the second complete paragraph, in the 12th line, "of" should read "to".

4. On the same page, in the same column, in the last complete paragraph, in the ninth line, "vial" should read "via".

BILLING CODE 1505-01-D

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 87-AWA-11]

### Alteration of VOR Federal Airways; Expanded East Coast Plan, Phase II

#### Correction

In rule document 88-1431 beginning on page 2009 in the issue of Tuesday, January 26, 1988, make the following correction:

#### § 71.123 [Corrected]

- On page 2010, in § 71.123, in the second column, "V-99 [Amended]" should read "V-99 [Revised]".



DEPARTMENT OF REVENUE

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

INTERNAL SECURITY AND  
TAXATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION

DEPARTMENT OF TRANSPORTATION



# Estimated Federal Paperwork

---

Tuesday  
March 1, 1988

---

## Part II

## Department of the Treasury

---

Office of the Secretary

---

Privacy Act of 1974, System of Records;  
Notice



## DEPARTMENT OF THE TREASURY

## Office of the Secretary

## Privacy Act of 1974; Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and the Office of Management and Budget (OMB) Circular No. A-130, the Department of the Treasury has completed a review of its Privacy Act "systems of records", as defined by the Privacy Act, to identify minor changes that will more accurately describe these records.

The systems notices are reprinted in their entirety following the table of contents. Changes are editorial in nature and consist principally of changes to system locations and system manager addresses, retention and disposal schedules, revisions to organizational titles, and transfers of functions. Retention schedules have been modified to show "National Archives and Records Administration" (NARA), as a separate agency. The enactment of Pub. L. 98-497 (44 U.S.C. 2102) renamed the National Archives and Records Service (NARS), as the "National Archives and Records Administration" (NARA) and established it as an agency separate from General Services Administration (GSA).

A total of 11 systems have been removed in this publication.

Dated: January 25, 1988.

Jill E. Kent,

*Acting Assistant Secretary of the Treasury (Management).*

## Deletions

## Departmental Offices

DO .123—ORS Contractors File

## Customs Service

CS .090—Equipment Record File  
CS .128—Investigations Program Analysis  
CS .130—Investigative Program Analysis  
CS .140—Lookout Notice  
CS .153—Motor Vehicle Operators I.D. Card and Record  
CS .155—Narcotics Suspect File  
CS .175—Patrol Division Daily Activity Report  
CS .257—Violators Card File

## Bureau of Engraving and Printing

BEP .009—Employee Arrest Record  
BEP .012—Employee Index File  
BEP .018—Police Uniform Control Account

## Comptroller of the Currency

CC .010—Federal Bureau of Investigation Report Card Index  
CC .501—Unclaimed Property System

## United States Mint

Mint .002—Applicants for, and the Former Members of the Assay Commission

## Table of Contents

## DEPARTMENTAL OFFICES (DO)

DO .002—Treasury Payroll Information System  
DO .003—Personnel Working Files  
DO .004—Personnel Security System  
DO .005—Grievance Records  
DO .007—General Correspondence Files  
DO .010—Office of Domestic Finance, Actuarial Valuation System  
DO .052—Travel Records  
DO .053—Treasury Emergency Preparedness Information Program  
DO .060—Correspondence Files and Records on Employee Complaints and/or Dissatisfaction  
DO .062—Executive Inventory File  
DO .065—Appointment at Above the Minimum Rate of the Grade File  
DO .066—Combined Applicant/Applicant Correspondence File  
DO .067—Detailed Employee Files  
DO .068—Time-In-Grade Exception Files  
DO .070—Automated Systems Division, Work Assignment and Control Form  
DO .111—Office of Foreign Assets Control Census Records  
DO .114—Foreign Assets Control Enforcement Records  
DO .118—Foreign Assets Control Licensing Records  
DO .144—General Counsel Litigation Referral and Reporting System  
DO .149—Foreign Assets Control Legal Files  
DO .150—Disclosure Records  
DO .154—Private Relief Bill System  
DO .156—Tax Court Judge Applicants  
DO .183—Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy  
DO .190—General Allegations and Investigative Records System  
DO .193—Treasury Employee Locator System  
DO .194—Document Delivery Control Systems  
DO .196—Physical Security Information System<sup>5</sup>

## BUREAU OF ALCOHOL, TOBACCO, AND FIREARMS

ATF 001—Administrative Record System  
ATF 002—Correspondence Record System  
ATF 003—Criminal Investigation Report System  
ATF 004—Fiscal Record System  
ATF 005—Freedom of Information Requests  
ATF 006—Internal Security Record System  
ATF 007—Personnel Record System  
ATF 008—Regulatory Enforcement Record System  
ATF 009—Technical and Scientific Services Record System

## COMPTROLLER OF THE CURRENCY

CC .004—Consumer Complaint Information System (CCIS)  
CC .012—Freedom of Information Index and Log  
CC .013—Enforcement and Compliance Information System  
CC .014—Investigation Files/Employee Reference File  
CC .015—Chain Banking Organizations System  
CC .016—Litigation Information System

CC .221—Professional Qualification Records for Municipal Securities Principals and Municipal Securities Representatives  
CC .300—Administrative Personnel System  
CC .310—Fiscal Personnel System  
CC .320—General Personnel System  
CC .500—Chief Counsel's Management Information System

## CUSTOMS SERVICE

CS .001—Acceptable Level of Competence, Negative Determination  
CS .002—Accident Reports  
CS .005—Accounts Receivable  
CS .009—Acting Customs Inspector (Excepted)  
CS .014—Advice Requests (Legal) (Pacific Region)  
CS .021—Arrest/Seizure/Search Report and Notice of Penalty File  
CS .022—Attorney Case File  
CS .028—Baggage Declaration  
CS .030—Bankrupt Parties-In-Interest  
CS .031—Bills Issued Files  
CS .032—Biographical Files (Headquarters)  
CS .037—Cargo Security File  
CS .040—Carrier File  
CS .041—Cartmen or Lightermen  
CS .042—Case and Complaint File  
CS .043—Case Files (Regional Counsel—South Central Region)  
CS .044—Certificates of Clearance  
CS .045—Claims Act File  
CS .046—Claims Case File  
CS .049—Claims (Receivable and Payable)  
CS .050—Community Leader Survey  
CS .051—Complaints Against Customs Personnel  
CS .053—Confidential Source Identification File  
CS .054—Confidential Statements of Employment and Financial Interests  
CS .056—Congressional and Public Correspondence File  
CS .057—Container Station Operator Files  
CS .058—Cooperating Individual Files  
CS .061—Court Case File  
CS .064—Credit Card File  
CS .067—Bank Secrecy Act Reports File  
CS .069—Customhouse Brokers File  
CS .077—Disciplinary Action and Resulting Grievance or Appeal Case Files  
CS .078—Disclosure of Information File  
CS .081—Dock Passes  
CS .083—Employee Relations Case Files  
CS .092—Exit Interview  
CS .093—Federal & New York State Licenses for Commercial Importation of Alcoholic Beverages  
CS .096—Fines, Penalties and Forfeiture Control and Information Retrieval System  
CS .098—Fines, Penalties and Forfeitures Records  
CS .099—Fines, Penalties, and Forfeiture Files (Supplemental Petitions)  
CS .100—Fines, Penalties and Forfeiture Records (Headquarters)  
CS .105—Former Employees  
CS .109—Handicapped Employee File  
CS .112—Immediate Delivery Violation Record  
CS .122—Information Received File  
CS .123—Injury Notice  
CS .125—Intelligence Log



CS .127—Internal Security Records System  
 CS .129—Investigations Record System  
 CS .133—Justice Department Case File  
 CS .136—Liquidated Damage Cases; Prior Violators  
 CS .137—List of Vessel Agents Employees  
 CS .138—Litigation Issue Files  
 CS .144—Mail Protest File  
 CS .148—Military Personnel and Civilian Employees' Claims Act File  
 CS .151—Motor Vehicle Accident Reports  
 CS .152—Motor Vehicle Operator's Identification Card  
 CS .156—Narcotics Violator File  
 CS .159—Notification of Personnel Management Division when an Employee is placed under investigation by the Office of Internal Affairs  
 CS .161—Optional Retirement List  
 CS .162—Organization (Customs) and Automated Position Management System (COAPMS)  
 CS .163—Outside Employment Requests  
 CS .165—Overtime Earnings  
 CS .170—Overtime Reports  
 CS .172—Parking Permits File (N.Y. Region)  
 CS .180—Payroll Record of Employees NOT Covered by Automated System  
 CS .182—Penalty Case File  
 CS .186—Personnel Search  
 CS .190—Personnel Case File  
 CS .193—Operating Personnel Folder Files  
 CS .194—Treasury Payroll Information System (TPIS)  
 CS .196—Preclearance Costs  
 CS .197—Private Aircraft/Vessel Inspection Reporting System  
 CS .201—Property File, Non-Expendable  
 CS .206—Regulatory Audits of Customhouse Brokers  
 CS .207—Reimbursable Assignment System  
 CS .208—Restoration of Forfeited Annual Leave Cases  
 CS .209—Résumés of Professional Artists  
 CS .210—Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List  
 CS .211—Sanction List  
 CS .212—Search/Arrest/Seizure Report  
 CS .214—Seizure File  
 CS .215—Seizure Report File  
 CS .217—Set Off Files  
 CS .219—Skills Inventory Records  
 CS .220—Supervisory Notes and Files  
 CS .224—Suspect Persons Index  
 CS .226—Television System  
 CS .227—Temporary Importation Under Bond (TIB) Defaulter Control System  
 CS .228—Temporary Importation Violation Record  
 CS .232—Tort Claims Act File  
 CS .234—Tort Claims Act File  
 CS .238—Training and Career Individual Development Plans  
 CS .239—Training Records  
 CS .243—Travel Payment System  
 CS .244—Treasury Enforcement Communications System  
 CS .249—Uniform Allowances—Unit Record  
 CS .251—Unscheduled Overtime Report (Customs Form 31)  
 CS .252—Valuables Shipped Under the Government Losses in Shipment Act  
 CS .258—Violator's Case Files  
 CS .260—Warehouse Proprietor Files

CS .262—Warnings to Importers in Lieu of Penalty  
 CS .268—Military Personnel and Civilian Employees' Claims Act File  
 CS .269—Accounts Payable Voucher File  
 CS .270—Background—Record File on Non-Customs Employees  
 CS .271—Cargo Security Record System  
 CS .272—Currency Declaration File (Customs Form 4790)  
 CS .273—Employee Debts  
 CS .274—Importers, Brokers, Carriers, Individuals and Sureties Master Files  
 CS .277—Drivers License File  
 CS .278—Automated Commercial System (ACS)  
 CS .284—Personnel Verification System (PVS)  
 CS .285—Automated Index to Central Enforcement Files  
 CS .287—Customs Automated Licensing Information System (CALIS)

## BUREAU OF ENGRAVING AND PRINTING

BEP .002—Personal Property Claim File  
 BEP .004—Counseling Records  
 BEP .005—Compensation Claims  
 BEP .006—Debt Files (Employees)  
 BEP .014—Employees Production Record  
 BEP .015—Executive Profiles  
 BEP .016—Employee Suggestions  
 BEP .020—Industrial Truck Licensing Records  
 BEP .021—Investigative Files  
 BEP .022—Monthly Equal Employment Opportunity Activity Report  
 BEP .023—Motor Vehicle Licensing Records  
 BEP .027—Programmable Access Security System (PASS)  
 BEP .029—Petition of Elections  
 BEP .035—Tort Claims Against the United States  
 BEP .037—Union Index  
 BEP .038—Unscheduled Absence Record  
 BEP .040—Freedom of Information and Privacy Act Requests  
 BEP .041—Record of Discrimination Complaints  
 BEP .042—Informal EEO Complaint Processing Records  
 BEP .043—Parking Program Records  
 BEP .044—Personnel Security Files and Indices

## FEDERAL LAW ENFORCEMENT TRAINING CENTER

FLETC .001—FLETC Payroll/Personnel Records System  
 FLETC .002—FLETC Trainee Records  
 FLETC .003—FLETC Confidential Financial Records  
 FLETC .004—FLETC Administrative Employee Records

## FINANCIAL MANAGEMENT SERVICE OPERATIONS

FMS .001—Administrative Records  
 FMS .002—Payment Issue Records for Regular Recurring Benefit Payments  
 FMS .003—Claims and Inquiry Records on Treasury Checks U.S. Currencies and International Claimants  
 FMS .005—FMS Personnel Records  
 FMS .007—Payroll and Pay Administration  
 FMS .008—Personnel Security Records  
 FMS .010—Records of Accountable Officers' Authority with Treasury

FMS .011—Individual Retirement Cards, SF2806  
 FMS .012—Precomplaint Counseling and Complaint Activities  
 FMS .013—Gifts to the United States

## INTERNAL REVENUE SERVICE

IRS 00.001—Correspondence Files and Correspondence Control Files  
 IRS 00.002—Correspondence Files/Inquiries About Enforcement Activities  
 IRS 10.001—Biographical Files, Public Affairs  
 IRS 10.004—Subject Files, Public Affairs  
 IRS 21.001—Tax Administration Advisors Resources File  
 IRS 22.003—Annual Listing of Undelivered Refund Checks, D:R:T  
 IRS 22.011—File Erroneous Refunds  
 IRS 22.026—Form 1042S Index by Name of Recipient, D:R:R  
 IRS 22.027—Foreign Information System (FIS), D:R:R  
 IRS 22.032—Individual Microfilm Retention Register, D:R:R  
 IRS 22.034—Individual Returns Files, Adjustments and Miscellaneous Documents File  
 IRS 22.043—Potential Refund Litigation Case Files, D:R:R  
 IRS 22.044—P.O.W.—M.I.A. Reference File, D:R:T  
 IRS 22.054—Subsidiary Accounting Files, D:R  
 IRS 22.059—Unidentified Remittance File, D:R  
 IRS 22.060—Unit Ledger Cards  
 IRS 22.061—Wage and Information Returns Processing (IRP) File, D:R  
 IRS 24.013—Combined Account Number File, Returns and Information Processing, D:R:R  
 IRS 24.029—Individual Account Number File (IANF), Returns and Information Processing  
 IRS 24.030—Individual Master File (IMF), Returns and Information Processing, D:D:T  
 IRS 24.046—Business Master File (BMF), Returns and Information Processing, D:R:R  
 IRS 24.070—Debtor Master File (DMF)  
 IRS 26.001—Acquired Property Record, OP:C  
 IRS 26.006—Form 2209 Courtesy Investigations, OP:C  
 IRS 26.008—IRS and Treasury Employee Delinquency, OP:C  
 IRS 26.009—Lien Files (Open and Closed), OP:C  
 IRS 26.010—Lists of Prospective Bidders at Internal Revenue Sales of Seized Property, OP:C  
 IRS 26.011—Litigation Case Files, OP:C  
 IRS 26.012—Offer in Compromise (OIC) File, OP:C  
 IRS 26.013—One Hundred Percent Penalty Cases, OP:C  
 IRS 26.014—Record 21, Record of Seizure and Sale of Real Property, OP:C  
 IRS 26.016—Returns Compliance Program (RCP), OP:C  
 IRS 26.019—TDA (Taxpayer Delinquent Accounts) including subsystems: (a) Adjustments and Payment Tracers Files, (b) Collateral Files, (c) Seized Property Records, (d) Tax Collection Waiver, Forms 900, Files, (e) Accounts on child support obligations, OP:C



- IRS 26.020—TDI (Taxpayer Delinquency Investigation Files)
- IRS 26.021—Transferee Files
- IRS 26.022—Delinquency Prevention Programs, OP:C
- IRS 30.003—Requests for Printed Tax Materials Including Lists
- IRS 30.004—Security Violations
- IRS 32.001—Travel Expense Record
- IRS 32.003—Schedules of Collections and Schedules of Cancelled Checks
- IRS 34.003—Assignment and Accountability of Personal Property Files
- IRS 34.005—Parking Space Application and Assignment
- IRS 34.007—Record of Government Books of Transportation Requests
- IRS 34.009—Safety Program Files
- IRS 34.012—Emergency Preparedness Cadre Assignments and Alerting Rosters Files
- IRS 34.013—Identification Media Files for Employees and Others issued IRS ID
- IRS 34.014—Motor Vehicle Registration and Entry Pass Files
- IRS 34.016—Security Clearance Files
- IRS 34.018—Integrated Data Retrieval System (IDRS) Security Files
- IRS 36.001—Appeals, Grievances and Complaints Records
- IRS 36.002—Employee Activity Records
- IRS 36.003—General Personnel and Payroll Records
- IRS 36.005—Medical Records
- IRS 36.008—Recruiting, Examining and Placement Records
- IRS 36.009—Retirement, Life Insurance and Health Benefits Records
- IRS 37.001—Abandoned Enrollment Applications
- IRS 37.002—Files containing derogatory information about individuals whose applications for enrollment to practice before the IRS have been denied and Applicant Appeal Files
- IRS 37.003—Closed Files Containing Derogatory Information About Individuals' Practice Before the Internal Revenue Service and Files of Attorneys and Certified Public Accountants Formerly Enrolled to Practice
- IRS 37.004—Derogatory Information (No Action)
- IRS 37.005—Present Suspensions and Disbarments Resulting from Administrative Proceedings
- IRS 37.006—General Correspondence File
- IRS 37.007—Inventory
- IRS 37.008—Register of Docketed Cases and Applicant Appeals
- IRS 37.009—Enrolled Agents and Resigned Enrolled Agents (Action pursuant to 31 CFR, Section 10.55(b))
- IRS 37.010—Roster of Former Enrollees
- IRS 37.011—Present Suspensions from Practice Before the Internal Revenue Service
- IRS 38.001—General Training Records
- IRS 42.001—Examination Administrative File
- IRS 42.008—Audit Information Management System (AIMS)
- IRS 42.012—Combined Case Control Files
- IRS 42.013—Project Files for the Uniform Application of Laws as a result of technical determinations and court decisions
- IRS 42.014—Internal Revenue Service Employees' Returns Control Files
- IRS 42.016—Classification/Centralized Files and Scheduling Files
- IRS 42.017—International Enforcement Program Files
- IRS 42.021—Compliance Programs and Projects Files
- IRS 42.027—Data on Foreign Corporations
- IRS 42.029—Audit Underreporter Case Files
- IRS 42.030—Discriminant Function File (DIF)
- IRS 44.001—Appeals Case Files
- IRS 44.003—Appeals Case Data
- IRS 44.004—Artist File
- IRS 44.005—Expert Witness and Fee Appraiser Files
- IRS 46.002—Case Management and Time Reporting System, Criminal Investigation Division
- IRS 46.003—Confidential Informants, Criminal Investigation Division
- IRS 46.004—Controlled Accounts—Open and Closed
- IRS 46.005—Electronic Surveillance File, Criminal Investigation
- IRS 46.009—Centralized Evaluation and Processing of Information Items, Criminal Investigation Division
- IRS 46.011—Land Trust Files, Criminal Investigation Division
- IRS 46.015—Relocated Witnesses, Criminal Investigation Division
- IRS 46.016—Secret Service Details, Criminal Investigation Division
- IRS 46.022—Treasury Enforcement Communications System (TECS), Criminal Investigation Division
- IRS 48.001—Disclosure Records
- IRS 48.008—Defunct Special Service Staff File being retained because of Congressional Directive
- IRS 49.001—Collateral and Information Requests
- IRS 49.002—Competent Authority and Index Card-Microfilm Retrieval System
- IRS 49.003—Financial Statements File
- IRS 49.007—Overseas Compliance Projects System
- IRS 49.008—Taxpayer Service Correspondence System
- IRS 50.001—Employee Plans/Exempt Organizations Correspondence Control Records (Form 5961)
- IRS 50.003—Employee Plan/Exempt Organizations, Reports of Significant Matters in Technical (M-5945)
- IRS 60.001—Assault and Threat Investigation Files, Inspection
- IRS 60.002—Bribery Investigation Files, Inspection
- IRS 60.003—Conduct Investigation Files, Inspection
- IRS 60.004—Disclosure Investigation Files, Inspection
- IRS 60.005—Enrollee Applicant Investigation Files, Inspection
- IRS 60.006—Enrollee Charge Investigation Files, Inspection
- IRS 60.007—Miscellaneous Information File, Inspection
- IRS 60.008—Security, Background, and Character Investigations Files, Inspection
- IRS 60.009—Special Inquiry Investigation Files, Inspection
- IRS 60.010—Tort Investigation Files, Inspection
- IRS 70.001—Individual Income Tax Returns, Statistics of Income
- IRS 90.001—Chief Counsel Criminal Tax Case Files
- IRS 90.002—Chief Counsel Disclosure Litigation Division Case Files
- IRS 90.003—Chief Counsel General Administrative Systems
- IRS 90.004—Chief Counsel General Legal Services Case Files
- IRS 90.005—Chief Counsel General Litigation Case Files
- IRS 90.006—Chief Counsel Interpretative Division and Employee Plans and Exempt Organization Division, and Associate Chief Counsel (Technical and International) Case Files
- IRS 90.007—Chief Counsel Legislation & Regulations Division, Employee Plans and Exempt Organizations Division, and Associate Chief Counsel (Technical and International) Correspondence & Private Bill Files
- IRS 90.009—Chief Counsel Tax Litigation Case Files
- IRS 90.010—Digest Room Files Containing Briefs, Legal Opinions, and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws
- IRS 90.011—Employee Recruiting Files Maintained by the Operations Division
- IRS 90.013—Legal Case Files of the Chief Counsel, Deputy Chief Counsels (Policy and Programs) and (Management and Operations), Associate Chief Counsels [(Litigation) and (Technical and International)]
- IRS 90.014—Management Files Maintained by Operations Division and the Deputy Chief Counsel (Management and Operations) other than the Office of Personnel Management's Official Personnel Files
- IRS 90.015—Reference Records of the Library in the Office of Chief Counsel
- IRS 90.016—Reports and Information Retrieval Activity Computer and Microfilm Records
- IRS 90.017—Correspondence Control and Records, Associate Chief Counsel (Technical and International)
- IRS Appendix A
- UNITED STATES MINT
- Mint .003—Cash Receivable Accounting Information System
- Mint .005—Current Employee Security Identification Record
- Mint .006—Employee and Former Employee Travel & Training Accounting Information System
- Mint .007—Employee, Former Employee and Members of the Public, Occupational Safety and Health, Accident and Injury Records, and Claims for Injuries or Damage Compensation Records
- Mint .009—Employee-Supervisor Performance, Evaluation, Counseling, and Time and Attendance Records
- Mint .010—Examination Reports of Coins Forwarded to Mint from U.S. Secret Service
- Mint .011—General Correspondence



Mint .012—Criminal Investigations Files  
 Mint .013—Numismatic Coin Operations  
 System (NUCOS) Records, Customer  
 Mailing List, Order Processing Record for  
 Coin Sets, Medals and Numismatic  
 Items, and records of undelivered orders  
 Mint .014—Purchases, Sales, Exchange and  
 Assays of Precious Metal  
 Mint .015—Redemption of Uncurrent or  
 Mutilated Coins  
 Mint .016—Grievances, Union/Agency  
 Negotiated

#### BUREAU OF THE PUBLIC DEBT

BPD .001—Personnel and Administrative  
 Records  
 BPD .002—United States Savings Type  
 Securities  
 BPD .003—United States Securities (Other  
 than Savings Type Securities)

#### UNITED STATES SAVINGS BOND DIVISION

USSBD .001—Savings Bonds Employee  
 Records System  
 USSBD .002—Savings Bonds Sales  
 Promotion/Volunteer Record System  
 USSBD .003—Savings Bond Sales Record  
 System

#### SECRET SERVICE

USSS .001—Administrative Information  
 System  
 USSS .002—Chief Counsel Record System  
 USSS .003—Criminal Investigation  
 Information System  
 USSS .004—Financial Management  
 Information System  
 USSS .005—Freedom of Information Request  
 System  
 USSS .006—Non-Criminal Investigation  
 Information System  
 USSS .007—Protection Information System  
 USSS .008—Public Affairs Record System  
 USSS .009—Training Information System

#### Systems Covered By This Notice

This notice covers all systems of  
 records adopted up to the date of this  
 publication.

#### Treasury/DO .002

##### SYSTEM NAME:

Treasury Payroll Information System.

##### SYSTEM LOCATION:

The Treasury Payroll Information  
 System and PERMITS components of  
 this system are located at the ICC  
 Building, 1201 Constitution Avenue,  
 NW., Room 7329, Washington, DC 20220  
 and at a contractor data processing  
 facility, Johnstown Computing  
 Resources, Inc., located at 90 Lulay  
 Street, Johnstown, PA 15094. The  
 Treasury Acquisition Career System is  
 located at Main Treasury, 1500  
 Pennsylvania Avenue, NW.,  
 Washington, DC 20220.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Current and former personnel data  
 on all employees of the Treasury. (2)

Payroll data on all Treasury employees  
 except IRS. (3) Payroll data on Executive  
 Offices of the President; Federal  
 Emergency Management Agency;  
 Federal Trade Commission; National  
 Gallery of Art; National Labor Relations  
 Board; Farm Credit Administration;  
 Commodities Futures Trading  
 Commission.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

There are two basic components to  
 the system, a personnel component  
 (PERMITS Application) and a payroll  
 component (TPIS), which provide  
 current, year-to-date and historical data  
 on the individuals covered by the  
 system. The separate files in the system  
 consist of payroll records, personnel  
 records, and time and attendance  
 records. Information contained in these  
 records, include such data as:

(1) Employee identification and status  
 data such as name, social security  
 number, date of birth, sex, race and  
 national origin designator, awards  
 received, suggestions, work schedule,  
 type of appointment, education, training  
 courses attended, veterans preference,  
 and military service.

(2) Employee date data such as  
 service computation date for leave, date  
 probationary period began, date of  
 performance rating, and date of within-  
 grade increases.

(3) Position and pay data such as  
 position identification number, pay plan,  
 grade, step, salary, and pay basis,  
 occupational series, position skill codes,  
 organization location and accounting  
 classification codes.

(4) Payroll data such as earnings  
 (overtime and night differential);  
 deductions (Federal State and local  
 taxes, bonds, and allotments); and time  
 and attendance data.

(5) Tables of data for editing,  
 reporting and processing any or all  
 personnel pay actions. These include  
 nature of action codes, civil service  
 authority codes, standard remarks,  
 signature table, position title table,  
 financial organization table and salary  
 table.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Office of Personnel Management  
 Manual, 50 U.S.C. App. 1705-1707; 31  
 U.S.C. and Departmental Circulars 145  
 and 830. The Department of the  
 Treasury Fiscal Requirement Manual; 5  
 U.S.C. 301; FPM Letter 298-10, Office of  
 Personnel Management; Federal  
 Personnel Manual (Chapter 713  
 Subchapter 3A); the Office of Federal  
 Procurement Policy Act, as amended (41  
 U.S.C. 401 et. seq.) and Executive Order  
 12352 (March 17, 1982).

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in  
 these records may be used:

(1) To furnish the Internal Revenue  
 Service and other jurisdictions which  
 are authorized to tax the employee's  
 compensation with wage and tax  
 information in accordance with a  
 withholding agreement with the  
 Department of the Treasury pursuant to  
 5 U.S.C. 5516, 5217, and 5520.

(2) To provide records to the Office of  
 Personnel Management, Merit Systems  
 Protection Board, Equal Employment  
 Opportunity Commission, and General  
 Accounting Office for the purpose of  
 properly administering Federal  
 Personnel systems or other agencies'  
 systems in accordance with applicable  
 laws, Executive Orders, and applicable  
 regulations.

(3) To furnish another federal agency  
 information to effect interagency salary  
 offset; to furnish another federal agency  
 information to effect interagency  
 administrative offset, except that  
 addresses obtained from the Internal  
 Revenue Service shall not be disclosed  
 to other agencies; to furnish a consumer  
 reporting agency information to obtain  
 commercial credit reports; and to furnish  
 a debt collection agency information for  
 debt collection services. Current mailing  
 addresses acquired from the Internal  
 Revenue Service are routinely released  
 to consumer reporting agencies to obtain  
 credit reports and to debt collection  
 agencies for collection services.

(4) To disclose information to a  
 Federal, State, local, or foreign agency  
 maintaining civil, criminal, or other  
 relevant enforcement information or  
 other pertinent information, which has  
 requested information relevant to or  
 necessary to the requesting agency's or  
 the bureau's hiring or retention of an  
 individual, or issuance of a security  
 clearance, license, contract, grant, or  
 other benefit.

(5) To disclose information to a court,  
 magistrate, or administrative tribunal in  
 the course of presenting evidence,  
 including disclosures to opposing  
 Counsel or witnesses in the course of  
 civil discovery, litigation or settlement  
 negotiations in response to a subpoena,  
 or in connection with criminal law  
 proceedings.

(6) To disclose information to foreign  
 governments in accordance with formal  
 or informal international agreements.

(7) To provide information to a  
 congressional office in response to an  
 inquiry made at the request of the  
 individual to whom the record pertains.



(8) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to civil and criminal proceedings.

(9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

(10) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

(11) To provide wage and separation information to another agency such as the Department of Labor or Social Security Administration as required by law for payroll purposes.

(12) To provide information to a Federal, State, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration.

(13) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for implementing a statute, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation.

(14) Disclosure of information about particular Treasury employees may be made to requesting Federal agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs (i.e., matching for delinquent loans or other indebtedness to the government).

(15) To provide information to Treasury contractors who may be engaged to assist Treasury in the performance of a function associated with TRAC and who need to have access to TRAC records in the performance of contract work. Contractors would be required to maintain the records in accordance with the requirements of the Privacy Act.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosure pursuant to 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982; Debt information

concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Magnetic media, microfiche, and hard copy. Disbursement records are stored at the Federal Records Center.

##### RETRIEVABILITY:

Records are retrieved generally by social security number, position identification number within a bureau and region, or by name. Secondary identifiers are used to assure accuracy of data accessed.

##### SAFEGUARDS:

Entrance to data center is restricted to only those employees whose work requires them to be there for the system to operate. ID cards are verified to ensure that only authorized personnel are present. Disclosure of information through remote terminals is restricted through the use of passwords and sign-on protocols which are periodically changed. Reports produced from the remote printers are in the custody of personnel officers and are subject to the same privacy controls as other personnel documents of like sensitivity. Only the Treasury Procurement Executive and other Treasury procurement personnel with responsibility for managing Treasury's Career Development Program will have access to TRAC data. Hard-copy files will be maintained in a locked cabinet.

##### RETENTION AND DISPOSAL:

The Treasury Payroll Information System master file is kept on magnetic tape. Hard copies of reports are kept for a period of up to 3 years. Additional payroll data is maintained on microfiche. Employee records are retained in automated form as long as the employee is active on the system (separated employee records are maintained in an "inactive" status within PERMITS for 5 years). The master file is purged of inactive payroll records on a yearly basis. Files are purged in accordance with Treasury Directive 25-02, "Records Disposition Management Program". Treasury Acquisition Career System automated and hardcopy records will be purged from TRAC upon the employee's separation from the procurement organization.

#### SYSTEM MANAGER AND ADDRESS:

The Treasury Payroll Information System (TPIS) and PERMITS System Manager is the Director, Office of Personnel/Payroll System, Department of the Treasury, Room 2426, Main Treasury, 1500 Pennsylvania Ave., NW., Washington, DC 20220. The TRAC System Manager is the Career Development Program Manager, Office of Procurement (MMK), Department of the Treasury, Room 1458 Main Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are identified in this system or gain access to records maintained in the system must submit a request containing the following elements: (1) Identification of the record system; (2) identification of the category and types of records sought; (3) at least two items of identification (e.g. name and date of birth, employee identification number, date of employment or similar information). Address inquiries to Disclosure Program Manager, Department of the Treasury, Room 1054 Main Treasury, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

#### RECORD ACCESS PROCEDURES:

(See notification procedures above).

#### CONTESTING RECORD PROCEDURES:

(See notification procedures above).

#### RECORD SOURCE CATEGORIES:

The information contained in these records is provided by or verified by the subject of the record, supervisors, and non-Federal sources such as private employers. TRAC records will also be developed from Treasury procurement or personnel officials and training institutions.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Treasury/DO .003

#### SYSTEM NAME:

Personnel Working Files—Treasury/DO.

#### SYSTEM LOCATION:

Office of General Counsel; Office of the Assistant Secretary for International Affairs; Deputy Assistant Secretary (Management) for Information Systems; Office of Foreign Assets Control; Facilities Management Division; and Office of the Assistant Secretary for Tax Policy. For addresses, see Systems Managers below.



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past, present, and prospective employees for the above-named offices.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personnel-type records such as the following: SF 50 and 52 (personnel action); 171 (Employment Qualifications); Resumes; 1012 (Travel Voucher); 70-02.1 (Travel Authorization); Personnel Data Summary Sheet; employee training information; position descriptions; letters of appreciation, counseling, or reference; corrective actions; recommendations for promotions; suspensions; performance appraisals; evaluations; awards; certification and appointment; and worker's compensation forms.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (2) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (3) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; and (4) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

For records maintained by the Deputy Assistant Secretary (Management) for Information Systems, disclosures are not made outside the agency.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders.

**RETRIEVABILITY:**

Alphabetically by name.

**SAFEGUARDS:**

Secured file cabinet or locked safe with a limited number of authorized employees permitted access.

**RETENTION AND DISPOSAL:**

In some offices, files on present and former employees are kept for duration of employment and thereafter for

reference purposes. In other offices, files are given to employees upon resignation or are destroyed. For prospective employees, files may be kept three to five years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer, Office of the General Counsel, Department of the Treasury, Room 3006-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220;

Administrative Officer, Administrative Office, OASIA, Department of the Treasury, Room 5116-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220;

Administrative Contact, Deputy Assistant Secretary (Management) for Information Systems, Department of the Treasury, Room 2426-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220;

Director, Office of Foreign Assets Control, Department of the Treasury, Room 504, 1331 G Street NW., Washington, DC 20226;

Director, Facilities Management Division, Department of the Treasury, Room 1209 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

Administrative Officer, Office of Tax Policy, Department of the Treasury, Room 1104-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in the system must submit a written request containing the following elements: (1) Identify the record system; (2) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Disclosure Program Manager (see "Record access procedures" below). In some offices, individuals may review their own record by verbal request to the system manager.

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Information in this system may have been provided by (1) the individual, (2) the Personnel office, (3) the employee's supervisors, (4) an interview, and (5) prior employers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .004

**SYSTEM NAME:**

Personnel Security System—Treasury/DO.

**SYSTEM LOCATION:**

For individuals in category (a), Room 1306 Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. For individuals in category (b), Room 1322 Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Current and former senior officials of the Department and Treasury bureaus, and those within the Department who are involved in Personnel Security matters. (b) Current and former government employees or applicants occupying or applying for sensitive positions in the Department.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Background or limited background investigations and FBI and other agency name checks; investigative information relating to personnel investigations conducted by the Department of the Treasury and other Federal agencies and departments on preplacement and postplacement basis to make suitability and employability determinations and for granting security clearances. Card records comprised of Notice of Personnel Security Investigation (TD F 67-32.2) or similar, previously used card indexes, and an automated data system (mini computer) reflecting identification data on incumbents and former employees, and record type of E.O. 10450 investigations and degree and date of security clearance, if any.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

E.O. 10450, sections 2 and 3, and E.O. 12356, Part 4.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used to disclose information to departmental officials or other Federal agencies relevant to, or necessary for, making suitability or employability retention or security clearance determinations.



# **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

## **STORAGE:**

File folders and index cards.

## **RETRIEVABILITY:**

Records are retrieved by name.

## **SAFEGUARDS:**

Records are stored in locked metal containers and in locked rooms. They are limited to officials who have a need to know in the performance of their official duties and are required to sign an access form.

## **RETENTION AND DISPOSAL:**

Active files are retained during incumbent tenure and are subject to update personnel investigation. Files of employees who effect intra-agency transfers (between Treasury bureaus) are automatically transferred to the gaining bureaus. When an employee transfers to another government agency or leaves the Federal government, files are retained, separate from the active files, for five years. Background investigations completed by OPM may be returned to that agency or destroyed. Card indexes are periodically updated to reflect changes and maintained as long as needed.

## **SYSTEM MANAGER(S) AND ADDRESS:**

For individuals in category (a), Director of Security, Room 1306 Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220. For individuals in category (b), Personnel Officer (Director, Office of Personnel Resources), Room 1322, Main Treasury Building, Washington, DC 20220.

## **NOTIFICATION PROCEDURE:**

Individuals wishing to be informed if they are named in this system or gain access to records maintained in the system must submit a written, signed request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). Address inquiries to Disclosure Program Manager (see "Record access procedures" below).

## **RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

## **CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

## **RECORD SOURCE CATEGORIES:**

The information provided or verified by applicants or employees whose files are on record as authorized by those concerned, information obtained from current and former employers, co-workers, neighbors, acquaintances, educational records and instructors, and police and credit record checks.

## **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), through (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5).

## **Treasury/DO .005**

### **SYSTEM NAME:**

Grievance Records—Treasury/DO.

### **SYSTEM LOCATION:**

These records are located in personnel or designated offices in the bureaus in which the grievances were filed.

### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former Federal employees who have submitted grievances with their bureaus in accordance with Part 771 of the Office of Personnel Management's (OPM) regulations (5 CFR Part 771), the Treasury Employee Grievance System (TPM Chapter 771), or a negotiated procedure.

### **CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains records relating to grievances filed by Treasury employees under Part 771 of the OPM's regulations. These case files contain all documents related to the grievance including statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original and final decision, and related correspondence and exhibits. This system includes files and records of internal grievance and arbitration systems that bureaus and/or the Department may establish through negotiations with recognized labor organizations.

### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 1302, 3301, 3302; E.O. 10577; 3 CFR 1954-1958 Comp., p. 218; E.O. 10987; 3 CFR 1959-1963 Comp., p. 519; agency employees, for personal relief in a matter of concern or dissatisfaction which is subject to the control of agency management.

## **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to the appropriate Federal, state, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to any source from which additional information is requested in the course of processing in a grievance, to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested. (3) To disclose information to a Federal agency, in response to its request, in connection with the hiring or retention of an individual, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to requesting the agency's decision on the matter. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To disclose information to another Federal agency or to a court when the Government is party to a judicial proceeding before the court. (6) By the National Archives and Records Service (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2908. (7) By the bureau maintaining the records of the Department in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference. (8) To disclose information to officials of the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, the Equal Employment Opportunity Commission, or the Office of Personnel Management when requested in performance of their authorized duties.



(9) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings. (10) To provide information to officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders.

**RETRIEVABILITY:**

By the names of the individuals on whom they are maintained.

**SAFEGUARDS:**

Lockable metal filing cabinets to which only authorized personnel have access.

**RETENTION AND DISPOSAL:**

Disposed of 3 years after closing of the case. Disposal is by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

ATF (Alcohol, Tobacco and Firearms)  
Chief, Personnel Division, 1200  
Pennsylvania Avenue, NW., Room  
1211, Washington, DC 20226.

Customs

Director, Office of Human Resources,  
1301 Constitution Avenue, NW., Room  
3417, Washington, DC 20229.

E&P (Engraving and Printing)  
Chief, Office of Industrial Relations,  
14th & C Streets, SW., Room 202-  
13A, E&P Annex, Washington, DC  
20228.

FLETC (Federal Law Enforcement  
Training Center)  
Personnel officer, Building 94, Room  
1F-14, Glynco, GA 31524.

FMS (Financial Management Service—  
formerly BGFO)

Director, Personnel Management  
Division, Pennsylvania Avenue and  
Madison Place, NW., Room 112  
Annex, Washington, DC 20226

IRS (Internal Revenue Service)  
Director, Personnel Division, 1111  
Constitution Avenue, NW., Room  
3219, Washington, DC 20224

DO (Departmental Offices)  
Director, Office of Personnel, Room  
7115 ICC Building, 1201 Constitution  
Ave., NW., Washington, DC 20220

PD (Public Debt)

Personnel Officer, 1300 C Street, SW.,  
Room 446-4, E&P Annex,  
Washington, DC 20239.

SB (Savings Bond)

Personnel Officer, 1111 20th Street,  
NW., Room 225, Vanguard Building,  
Washington, DC 20226

SS (Secret Service)

Chief, Personnel Division, 1800 G  
Street, NW., Room 941, Washington  
DC 20223

Mint

Assistant Director for Personnel, 501  
13th Street, NW., Room 921, Warner  
Building, Washington, DC 20004

OCC (Office of Comptroller of the  
Currency)

Director, Human Resources, 490  
L'Enfant Plaza East, SW., 2nd Floor,  
Washington, DC 20219

Records pertaining to administrative  
grievances filed at the Departmental  
level: Director of Personnel, Room 7115,  
ICC Building, 1201 Constitution Ave.,  
NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

It is required that individuals  
submitting grievances be provided a  
copy of the record under the grievance  
process. They may, however, contact the  
agency personnel or designated office  
where the action was processed,  
regarding the existence of such records  
on them. They must furnish the  
following information for their records  
to be located and identified: (1) Name,  
(2) date of birth, (3) approximate date of  
closing of the case and kind of action  
taken, (4) organizational component  
involved.

**RECORD ACCESS PROCEDURES:**

It is required that individuals  
submitting grievances be provided a  
copy of the record under the grievance  
process. However, after the action has  
been closed, an individual may request  
access to the official copy of the  
grievance file by contacting the bureau  
personnel or designated office where the  
action was processed. Individuals must  
provide the following information for  
their records to be located and  
identified: (1) Name, (2) date of birth, (3)  
approximate date of closing of the case  
and kind of action taken, (4)  
organizational component involved.

**CONTESTING RECORD PROCEDURES:**

Review of requests from individuals  
seeking amendment of their records  
which have been the subject of a  
judicial or quasi-judicial action will be  
limited in scope. Review of amendment  
requests of these records will be  
restricted to determining if the record  
accurately documents the action of the

agency ruling on the case, and will not  
include a review of the merits of the  
action, determination, or finding.  
Individuals wishing to request  
amendment to their records to correct  
factual errors should contact the bureau  
personnel or designated office where the  
grievance was processed. Individuals  
must furnish the following information  
for their records to be located and  
identified: (1) Name, (2) date of birth, (3)  
approximate date of closing of the case  
and kind of action taken, (4)  
organizational component involved.

**RECORD SOURCE CATEGORIES:**

Information in this system of records  
is provided: (1) By the individual on  
whom the record is maintained, (2) by  
testimony of witnesses, (3) by agency  
officials, (4) from related  
correspondence from organizations or  
persons.

**SYSTEMS EXEMPTED FROM CERTAIN  
PROVISIONS OF THE ACT:**

None.

Treasury/DO .007

**SYSTEM NAME:**

General Correspondence Files—  
Treasury/DO.

**SYSTEM LOCATION:**

Departmental Offices, Department of  
the Treasury, 1500 Pennsylvania Ave.,  
NW., Washington, DC 20220.  
Components of this record system are in  
the following offices within the  
Departmental offices:

Office of Foreign Assets Control

Office of Tax Policy

Office of the Assistant Secretary for  
International Affairs

**CATEGORIES OF INDIVIDUALS COVERED BY THE  
SYSTEM:**

Members of Congress, U.S. Foreign  
Service officials, officials of  
municipalities and state governments,  
and the general public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Incoming correspondence and replies  
pertaining to the mission, function, and  
operation of the Department. This  
system of records also contains a list of  
individuals who have asked to be  
advised of amendments,  
announcements, etc., pertaining to  
regulations administered by the Office  
of Foreign Assets Control.

**AUTHORITY FOR MAINTENANCE OF THE  
SYSTEM:**

5 U.S.C. 301.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (2) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (3) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (4) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders and magnetic media.

**RETRIEVABILITY:**

By name of individual or letter number.

**SAFEGUARDS:**

Some folders are stored in locked file cabinets in areas of limited accessibility except to employees. Others are stored in electronically secured areas and vaults. Access to electronic storage is by password.

**RETENTION AND DISPOSAL:**

Some records are maintained for three years, then destroyed by burning. Other records are updated periodically and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Foreign Assets Control, U.S. Treasury Department, Room 504, 1331 G Street, NW., Washington, DC 20220  
Freedom of Information Act Officer, or Director, Correspondence Unit, Office of Tax Policy U.S. Treasury Department, Room 1124-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220  
Director, OASIA Secretariat, U.S. Treasury Department, Room 5422-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system, must submit a written request containing the following elements: (1) Identify the

record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (see "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Individuals who have corresponded with the Departmental Offices, other governmental agencies (Federal, state and local), foreign individuals and official sources.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .010**

**SYSTEM NAME:**

Office of Domestic Finance, Actuarial Valuation System—Treasury/DO.

**SYSTEM LOCATION:**

Departmental Offices, Office of Government Financing, Office of the Government Actuary, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Participants and beneficiaries of the Foreign Service Retirement and Disability System and the Foreign Service Pension System. Covered employees are located in the following agencies: Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information in the system is as follows: Active Records: Name; social security number; salary; category-grade; year of entry into system; service computation date; year of birth; year of resignation or year of death, and refund if any; indication of LWOP status (if any); Retired Records: Same as actives; annuity; year of separation; cause of separation (optional, disability, deferred, etc.); years and months of service by type of service; single or married; spouse's year of birth;

principal's year of death; number of children on annuity roll; children's years of birth and annuities.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

22 U.S.C. 1101.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Data regarding specific individuals is released only to the contributing agency for purposes of verification.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data are on computer tapes and computer printouts.

**RETRIEVABILITY:**

Alphabetically.

**SAFEGUARDS:**

Records are stored in the Actuary's office. Access is restricted to employees of the Office of the Government Actuary.

**RETENTION AND DISPOSAL:**

Records are retained on a year-to-year basis. When agencies whose pension funds are valued forward new records for valuation, older records are discarded.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Government Actuary, Departmental Offices, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) address inquiries to Chief, Disclosure Program Manager (see "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.



**RECORD SOURCE CATEGORIES:**

Data for actuarial valuation are provided by organizations responsible for pension funds listed under "category of individual," namely the Department of State, Department of Agriculture, United States Information Agency, Agency for International Development, Peace Corps, and the Department of Commerce.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .052

**SYSTEM NAME:**

Travel Records—Treasury/DO.

**SYSTEM LOCATION:**

Financial Management Division, Room 1010-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals authorized to perform travel for the Departmental offices.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Form OS-70-02-1, Authorization to Perform Travel, with the SF 1012, Travel Voucher, which details travel performed and expenses incurred with necessary receipts to support the claim for reimbursement to the traveler.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 5701-5709.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (4) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (5) To provide information to third parties during the

course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) To furnish another federal agency information to effect inter-agency salary offset; to furnish another federal agency information to effect inter-agency administrative offset, except that no IRS address information will be disclosed to another agency from this system; to furnish a consumer reporting agency information to obtain commercial credit reports; and to furnish a debt collection contractor information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service and which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services as necessary. (7) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing Counsel or witnesses in the course of civil discovery, litigation or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 552a(b)(12). Disclosures of debt information concerning a government claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Original document forms in file cabinet.

**RETRIEVABILITY:**

Filed by name on a fiscal year basis.

**SAFEGUARDS:**

Non-sensitive material handled routinely in regular file cabinet. Access to system is limited to those agency officials who need to use this information as a part of their daily or periodic work assignments.

**RETENTION AND DISPOSAL:**

Presently retained for three years and then forwarded to the Federal Records Center for an additional seven years, then burned or shredded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, Room 1010 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Facts and figures are presented by the individual who performed the authorized travel.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .053

**SYSTEM NAME:**

Treasury Emergency Preparedness Information Program—Treasury/DO.

**SYSTEM LOCATION:**

Emergency Preparedness Division (EPD), 1500 Pennsylvania Ave., NW., Room 1306, Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Treasury Emergency Management Team Members (Teams Alpha, Bravo and Charlie). (2) Key Treasury Personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Emergency Management Team Member Lists (by Departmental Offices and by Treasury Bureau listing); Name, Position Title, Office/Agency. (2) Key Treasury Personnel Alert Notification Lists; Name, Telephone Numbers (Office and Home), Office/Agency. (3) Information by individual application for Permanent Badge for FEMA Special



Facility Name, Date of Birth, Physical Identification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Directive (TD) 23-01, Civil Emergency Preparedness Planning, January 29, 1987; Office of Emergency Preparedness (OEP) Circular 9100.2, April 12, 1972; Executive Order 11490; FEMA ORDER SF 1210.1, procedures for access to Areas A and B of the Federal Emergency Management Agency Special Facility, July 29, 1985; FEMA Form SF-86-12, July 1985, Request for Continual Access to the FEMA Special Facility.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be disclosed to the Federal Emergency Management Agency.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

(1) Magnetic tapes, punch cards and reports, and computer diskettes. Emergency Management Team Lists and Alert Notification Lists: Master copies maintained in EPD office. Copies are repositioned within the Departmental Offices, Telecommunications Center, Treasury Emergency Operating Facilities (TAOF and FEMA/SF). (2) Request for permanent badge for FEMA Special Facility: original filed with the Federal Emergency Management Agency (FEMA). Copy filed in EPD office.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Treasury Master Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

**RETENTION AND DISPOSAL:**

(1) Emergency Management Team Member List, and (2) Key Treasury Personnel Alert Notification Lists are updated upon resignation, retirement or transfer of assigned employee. Obsolete lists are destroyed by shredding or diskette erasure. (3) Badges are retrieved and returned to FEMA for accountability and destruction when employee no longer has official need for pass.

**SYSTEM MANAGER(S) AND ADDRESS:**

Emergency Coordinator, 1500 Pennsylvania Ave., NW., Room 1306, Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identification of the record system; (2) identification of the category and type of records sought; and (3) at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

The information in these records was provided by or verified by the subject of the record, employers, and co-workers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .060

**SYSTEM NAME:**

Correspondence files and records on employee complaints and/or dissatisfaction—Treasury/DO.

**SYSTEM LOCATION:**

Office of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW, Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Former and current Department employees who have submitted complaints to the Office of Personnel or whose correspondence concerning a matter of dissatisfaction has been referred to the Office of Personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence dealing with former and current employee complaints.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, and local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential civil or criminal law or regulation. (2) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (4) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders, file cabinets.

**RETRIEVABILITY:**

By bureau and employee name.

**SAFEGUARDS:**

Maintained in filing cabinet and released only to Office of Personnel staff or other Treasury officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with Department of the Treasury Directive 25-02, "Records Disposition Management Program" and the General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Director of Personnel, Department of the Treasury, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Persons inquiring as to the existence of a record on themselves may contact: Assistant Director of Personnel, (Employee and Labor Relations) Department of the Treasury, Room 7119, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.



**RECORD ACCESS PROCEDURES:**

Persons seeking access to records concerning themselves may contact: The Director of Personnel, Department of the Treasury, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. The inquiry must include the individual's name and employing bureau.

**CONTESTING RECORD PROCEDURES:**

Individuals wishing to request amendment to their records to correct factual error should contact the Director of Personnel at the address shown in Access, above. They must furnish the following information: (a) Name; (b) employing bureau; (c) the information being contested; (d) the reason why they believe information is untimely, inaccurate, incomplete, irrelevant, or unnecessary.

**RECORD SOURCE CATEGORIES:**

Current and former employees, and/or representatives, employees' relatives, Congressmen, the White House, management officials.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .062

**SYSTEM NAME:**

Executive Inventory Files—Treasury/DO.

**SYSTEM LOCATION:**

Room 7102, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All SES and GS-16, 17 and 18 employees of the Department of the Treasury.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A brief description of identifying biographical data, work experience, education, professional activities, honors, special qualifications and references.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11315.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The records in this system may be disclosed to a Congressional office in order to compile statistical information on SES participants. Information in the records may also be shared with the Office of Personnel Management and other Federal agencies in compiling

reports or to correct information maintained by OPM on Treasury Executives.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File cabinets.

**RETRIEVABILITY:**

Numerically by bureau and position number.

**SAFEGUARDS:**

Access is limited to authorized Treasury personnel and management officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

The records are kept as long as the employee is assigned to an SES or GS-16, 17, or 18 position, except for employees who retire. The records on retirees are kept for approximately one year from their date of retirement. The records are destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. The individual needs to provide his/her name, present organizational assignment, position title and grade.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification procedure above.

**RECORD SOURCE CATEGORIES:**

The SF-171 is provided by the employee to their servicing personnel office.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .065

**SYSTEM NAME:**

Appointment at Above the Minimum Rate of the Grade Files—Treasury/DO.

**SYSTEM LOCATION:**

Room 7102, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons proposed for employment by the Department of the Treasury at a

salary rate above the minimum rate of the grade.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A collection of documents required for requesting approval of appointments at a salary rate above the minimum rate of the grade, including: Personal Qualifications Statement (SF-171); Position Description (OF-8); letters of justification; and general correspondence requesting approval of the action.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 5333.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information may be used for review/audit purposes by the Office of Personnel Management.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File cabinets.

**RETRIEVABILITY:**

Indexed by name in log and filed chronologically.

**SAFEGUARDS:**

Access is limited to authorized Treasury personnel and management officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are retained for two years and are destroyed by standard destruction methods including burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. The individual is required to provide his/her name and the Treasury organizational assignment, position title, grade/salary, and date of most recent appointment above the minimum rate of the grade requested.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.

**RECORD SOURCE CATEGORIES:**

The documents which constitute this system, and which are listed under Categories of Records, came from the



individual applicant, his/her servicing personnel office, the Office of Personnel Management, and other concerned management officials within the Department of the Treasury.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .066

**SYSTEM NAME:**

Combined Applicant/Applicant Correspondence File—Treasury/DO.

**SYSTEM LOCATION:**

Room 7102, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have sent applications, or have asked questions about employment in the Department of the Treasury, or whose applications or questions have been referred to the Department of the Treasury by others for reply.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Standard Applications for Federal Employment (SF-171). Resumes providing a reflection of such personal or job-related experience as the writer elected to furnish. Correspondence from applicants and responses thereto, ranging from general inquiries to specific complaints about alleged practices, treatment, or requirements.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be disclosed to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File cabinets.

**RETRIEVABILITY:**

Alphabetically by name of applicant.

**SAFEGUARDS:**

Access is limited to authorized Treasury personnel and management officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Files are maintained for two years, then burned.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. Since the system is filed alphabetically, only the applicant's name is required.

**RECORD ACCESS PROCEDURES:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Applications (SF-171, resumes) from the general public, including correspondence initially addressed to the President, Congressmen, or Senators are transmitted to this office because they deal with Treasury matters, issues, or employment.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .067

**SYSTEM NAME:**

Detailed Employee Files—Treasury/DO.

**SYSTEM LOCATION:**

Room 7102, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Department of the Treasury employees whose detail to other positions, or other Government employees whose details to the Department of the Treasury, require approval at the Departmental level.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence requesting approval of details and Request for Personnel Action (SF-52) which documents the detail and reflects approval of it. In some instances there may also be a Personal Qualifications Statement (SF-171), and attachments, Position Description (OF-8), and Request for Approval of Non-Competitive Action (SF-59).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 3341-3349.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records may be disclosed to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File cabinets.

**RETRIEVABILITY:**

Indexed by name in log and filed chronologically.

**SAFEGUARDS:**

Access is limited to authorized Treasury personnel and management officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are retained for 2 years and are destroyed by standard destruction methods including burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220. The individual is required to provide his/her name and the Treasury organizational assignment, position title, grade/salary, and approximate date of the detail requested requiring approval at the Departmental level.

**RECORD ACCESS PROCEDURES:**

Director of Personnel, Room 7115, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

The documents which constitute this system, and which are listed under Categories of Records, came from the employee's servicing personnel office, and other concerned management officials within the Department of the Treasury.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury/DO .068****SYSTEM NAME:**

Time-In-Grade Exception Files—  
Treasury/DO.

**SYSTEM LOCATION:**

Room 7102, ICC Building, 1201  
Constitution Ave., NW., Washington,  
DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons employed by, or proposed for  
employment by, the Department of the  
Treasury and for whom an exception to  
Time-In-Grade Restrictions is sought.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A collection of documents required for  
approval of exceptions to Time-In-Grade  
Requirements including: Request for  
Approval of Non-Competitive Action  
(SF-59); Personal Qualifications  
Statement (SF-171); Position Description  
(OF-8); and, in some instances, Request  
for Personnel Action (SF-52); and  
memoranda of justification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, and 5 U.S.C. 1104.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information from these records may  
be disclosed to (1) the Office of  
Personnel Management for audit of  
exceptions granted, and (2) a  
Congressional office in response to an  
inquiry made at the request of the  
individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File cabinet.

**RETRIEVABILITY:**

Indexed by name in log and filed  
chronologically.

**SAFEGUARDS:**

Access is limited to authorized  
Treasury personnel and management  
officials on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Records are retained for 2 years and  
are destroyed by standard destruction  
methods including burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Personnel, Room 7115, ICC  
Building, 1201 Constitution Ave., NW.,  
Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Director of Personnel, Room 7115, ICC  
Building, 1201 Constitution Ave., NW.,  
Washington, DC 20220.

The individual is required to provide  
his/her name and the Treasury  
organizational assignment, position title,  
grade/salary, and approximate date of  
the Time-In-Grade exception requested.

**RECORD ACCESS PROCEDURES:**

Director of Personnel, Room 7115, ICC  
Building, 1201 Constitution Ave., NW.,  
Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures"  
above.

**RECORD SOURCE CATEGORIES:**

The documents which constitute this  
system, and which are listed under  
Categories of Records, came from the  
individual employee or applicant, his  
servicing personnel office, and other  
concerned management officials within  
the Department of the Treasury.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .070****SYSTEM NAME:**

Automated Systems Division, Work  
Assignment and Control Form—  
Treasury/DO.

**SYSTEM LOCATION:**

Room B-91, Main Treasury, 1500  
Pennsylvania Ave., NW., Washington,  
DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Personnel in Automated Systems  
Division.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

List of projects and time spent on each  
project. List of projected project  
milestone dates and actual dates  
completed.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the  
Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper, magnetic media.

**RETRIEVABILITY:**

Indexed by name or code identifier.

**SAFEGUARDS:**

Under supervision of responsible  
manager during working hours. Room  
locked at other times.

**RETENTION AND DISPOSAL:**

Retained one year, then erased or  
discarded.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, (Planning and  
Coordination), Automated Systems  
Division, Room 1136, Main Treasury,  
1500 Pennsylvania Ave., NW.,  
Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Assistant Director, (Planning and  
Coordination), Automated Systems  
Division, Room 1136, Main Treasury,  
1500 Pennsylvania Ave., NW.,  
Washington, DC 20220. Identifying  
information—name.

**RECORD ACCESS PROCEDURES:**

Written request to: Automated  
Systems Division, Room 1136, Main  
Treasury, 1500 Pennsylvania Ave., NW.,  
Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Forms filled out by staff members.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .111****SYSTEM NAME:**

Office of Foreign Assets Control  
Census Records—Treasury/DO.

**SYSTEM LOCATION:**

Office of Foreign Assets Control, 1331  
G Street, NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Although most reporters in the Census  
in this system of records are not  
individuals, such censuses reflect some  
small number of U.S. individuals as  
holders of assets subject to U.S.  
jurisdiction which are blocked under the  
various sets of Treasury Department  
regulations involved.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of several censuses of U.S.-  
based, foreign-owned assets which have  
been blocked at any time since 1950  
under any of the following Treasury  
Department regulations: Foreign Assets  
Control Regulations; Foreign Funds



Control Regulations; Cuban Assets Control Regulations; Iranian Assets Control Regulations; or the Libyan Sanctions Regulations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 50 U.S.C. 1701 et seq.; and 31 CFR Chapter V.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose information to appropriate state agencies which are concerned with or responsible for abandoned property; (2) to disclose information to foreign governments in accordance with formal or informal international agreements; (3) to provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (4) to provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (5) to provide certain information to appropriate senior foreign-policy-making officials in the Department of State.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

1950 Census of Blocked Chinese Assets are stored in folders in file cabinets in the offices of Foreign Assets Control, and at the Federal Records Center; 1964 Census of Blocked Cuban Assets are stored in folders in file cabinets; 1970 Census of Blocked Chinese Assets are stored in folders and on computer printout in file cabinets; 1980 censuses of Iranian Assets and Iranian Claims are stored in folders and on magnetic tape in file cabinets; 1983 comprehensive update of blocked assets under Foreign Assets Control Regulations, Foreign Funds Control Regulations, and Cuban Assets Control Regulations are stored in Treasury computers and in folders in file cabinets; 1986 Libyan "mini-census" of blocked assets are stored in file folders and on computer diskettes.

**RETRIEVABILITY:**

By name of holder or custodian or owner of blocked property.

**SAFEGUARDS:**

Locked room, or in locked file cabinets located in areas in which access is limited to Foreign Assets Control employees. Computerized records are password-protected.

**RETENTION AND DISPOSAL:**

Records are periodically updated and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

**SYSTEM MANAGER AND ADDRESS:**

Director, Office of Foreign Assets Control, Department of the Treasury, Room 504, 1331 G Street, NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of record sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager Branch (See "Record access Procedures" below.)

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Custodians or other holders of blocked assets.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .114**

**SYSTEM NAME:**

Foreign Assets Control Enforcement Records—Treasury/DO.

**SYSTEM LOCATION:**

Office of Foreign Assets Control, 1331 G Street, NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have engaged (or who have been investigated because suspected of having engaged) in transactions and activities prohibited by any of the following Treasury Department regulations: Foreign Assets Control Regulations; Transaction Control Regulations; Cuban Assets Control Regulations; Iranian Assets Control Regulations; Nicaraguan Trade

Control Regulations; Libyan Sanctions Regulations; South African Transactions Regulations; and Soviet Gold Coin Regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of investigations of suspected or actual violations by an individual of relevant statutes and regulations administered by the Office of Foreign Assets Control.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

50 U.S.C., App. 5(b); 50 U.S.C. 1701 et seq.; 22 U.S.C. 287(c); 22 U.S.C. 2370(a); and 31 CFR Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99-631.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose information to appropriate Federal agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license; (2) to disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (3) to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in response to a subpoena or in connection with criminal law proceedings; (4) to disclose information to foreign governments in accordance with formal or informal international agreements; (5) to provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) to provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders.

**RETRIEVABILITY:**

By name of individual.

**SAFEGUARDS:**

Folders in locked file cabinets are located in areas of limited accessibility



except to Foreign Assets Control employees.

#### RETENTION AND DISPOSAL:

Records are periodically updated and are maintained as long as necessary. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, U.S. Treasury Department, Washington, DC.

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

See "Record access procedures" above.

#### RECORD SOURCE CATEGORIES:

From the individual, from the Office of Foreign Assets Control investigations, and from other federal, state or local agencies.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4), (G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/DO .118

#### SYSTEM NAME:

Foreign Assets Control Licensing Records—Treasury/DO.

#### SYSTEM LOCATION:

Office of Foreign Assets Control, 1331 G Street, NW., Washington, DC 20220.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for permissive and authorizing Treasury Department licenses under the Foreign Assets Control Regulations, Transaction Control Regulations, Foreign Funds Control Regulations, Cuban Assets Control Regulations, Iranian Assets Control Regulations, Nicaraguan Trade Control Regulations, Libyan Sanctions Regulations, South African Transactions Regulations, and Soviet Gold Coin Regulations.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Applications for Treasury licenses— together with related and supporting

documentary material and copies of licenses issued.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

50 U.S.C., App. 5(b); 22 U.S.C. 2370(a); 22 U.S.C. 287(c); 50 U.S.C. 1701 *et seq.*; 31 CFR Chapter V; 100 Stat. 1086, as amended by H.J. Res. 756, Pub. L. 99-631.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) To disclose information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violation of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (2) to disclose information to the Department of State, Commerce, Defense or other federal agencies, in connection with Treasury licensing policy or other matters of mutual interest or concern; (3) to disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (4) to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses, in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (5) to disclose information to foreign governments in accordance with formal or informal international agreements; (6) to provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

File folders and computer diskettes.

##### RETRIEVABILITY:

The records are retrieved by license or letter number.

##### SAFEGUARDS:

Locked filed cabinets located in areas in which access is limited to Foreign Assets Control employees.

##### RETENTION AND DISPOSAL:

Records are periodically updated to reflect changes and maintained as long as needed. When no longer needed, records are retired to Federal Records Center or destroyed in accordance with established procedures.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Foreign Assets Control, Department of the Treasury, Room 504, 1331 G Street, NW., Washington, DC 20220.

#### NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in the system of records, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below).

#### RECORD ACCESS PROCEDURES:

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

#### CONTESTING RECORD PROCEDURES:

See "Record access procedures" above.

#### RECORD SOURCE CATEGORIES:

Applicants for Treasury Department licenses under regulations administered by the Office of Foreign Assets Control.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/DO .144

#### SYSTEM NAME:

General Counsel Litigation Referral and Reporting System—Treasury/DO.

#### SYSTEM LOCATION:

U.S. Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who are parties, plaintiff or defendant, in civil litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees. The system does not include information on every civil litigation or administrative proceeding involving the Department of the Treasury or its officers and employees.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records consists of index cards and a computer data base



containing information related to litigation or administrative proceedings involving or concerning the Department of the Treasury or its officers or employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 31 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (4) To disclose information to foreign governments in accordance with formal or informal international agreements; (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The index cards are maintained in a file box. The computerized records are maintained in computer data banks and printouts.

**RETRIEVABILITY:**

The index cards are filed alphabetically by the name of the non-government party involved in the case. The computer information is sorted by court level, by a date indicating whether the case record concerns a new or old case or by a date indicating whether the case record has been updated subsequent to the prior monthly report.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

The index cards are maintained during the pending litigation and for approximately three years thereafter. They are then destroyed. The computer information is maintained during the pending litigation and is deleted from the system once the case is resolved.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate General Counsel  
(Legislation, Litigation, and Regulation),  
Office of the General Counsel,  
Department of the Treasury, 1500  
Pennsylvania Ave., NW., Washington,  
DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) An identification of the record system; and (2) an identification of the category and type of records sought. This system contains records that are exempt under 31 CFR 1.36; 5 U.S.C. 552a (j)(2); and (k)(2). Address inquiries to Disclosure Program Manager, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager,  
Department of the Treasury, Room 1054,  
1500 Pennsylvania Ave., NW.,  
Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Treasury Department Legal Division,  
Department of Justice Legal Division.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (d), (e)(1), (e)(3), (e)(4) (G), (H), (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/DO .149**

**SYSTEM NAME:**

Foreign Assets Control Legal Files—  
Treasury/DO

**SYSTEM LOCATION:**

1331 G St. NW., Room 400,  
Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are or who have been parties in litigation involving the Office of Foreign Assets Control or statutes and regulations administered by the agency. Currently, those regulations are as follows: Foreign Assets Control Regulations; Foreign Funds Control Regulations; Transactions Control Regulations; Cuban Assets Control Regulations; and the Iranian Assets Control Regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information and documents relating to litigation involving the Office of Foreign Assets Control or statutes and regulations administered by the agency

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 301; 50 U.S.C. App. 5(b); 5 U.S.C. 1701 et seq.; 22 U.S.C. 2370(a).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To prosecute, defend, or intervene in litigation related to the Office of Foreign Assets Control and statutes and regulations administered by the agency; (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license; (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's official functions; (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil



discovery, litigation, or settlement negotiations or in connection with criminal law proceedings; (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Folders in file cabinets.

**RETRIEVABILITY:**

By name of private plaintiff or defendant.

**SAFEGUARDS:**

File cabinets in areas of limited access except to employees.

**RETENTION AND DISPOSAL:**

Records are periodically updated and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer, Room 3006-MT, U.S. Treasury Department, Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Address inquiries to Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Pleadings and other materials filed during course of a legal proceeding, discovery obtained pursuant to applicable court rules; materials obtained by Office of Foreign Assets Control investigation; material obtained pursuant to requests made to other Federal agencies; orders, opinions, and decisions of courts.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .150**

**SYSTEM NAME:**

Disclosure Records—Treasury/DO.

**SYSTEM LOCATION:**

Departmental Offices, Department of the Treasury, 1500 Pennsylvania Ave., NW., Washington DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted requests for information to the Departmental Offices or who have appealed initial denials to the requests.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Requests for records or information pursuant to the Freedom of Information Act, 5 U.S.C. 552, and/or the Privacy Act, 5 U.S.C. 552a, internal processing documents, memoranda, and referrals are kept by the Disclosure Office. Copies of requested records are kept by the program office responsible for fulfilling the request.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552, 5 U.S.C. 552a, 31 CFR Part 1.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to other agencies when required for coordination of response or referral; (2) to disclose information to the Department of Justice for defending law suits.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper files.

**RETRIEVABILITY:**

By name and case number.

**SAFEGUARDS:**

Stored in filing cabinets. Access limited to individuals with need to know or legitimate right to review.

**RETENTION AND DISPOSAL:**

Retained in accordance with the provisions of the Act and Departmental records management procedures.

**SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW., Washington, DC 20220.  
Deputy Assistant Secretary (Law Enforcement), Department of the Treasury, Room 4328, 1500

Pennsylvania Ave., NW., Washington, DC 20220

Freedom of Information Act Officer or Director, Correspondence Unit, Office of Tax Policy, Department of the Treasury, Room 1124, 1500 Pennsylvania Ave., NW., Washington, DC 20220

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager at the above address.

**RECORD ACCESS PROCEDURES:**

See "System Manager" above.

**CONTESTING RECORD PROCEDURES:**

See "System Manager" above.

**RECORD SOURCE CATEGORIES:**

Individuals who make Freedom of Information Act requests, federal officials responding to Freedom of Information Act requests, and documents from official records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/DO .154**

**SYSTEM NAME:**

Private relief bill system—Treasury/DO.

**SYSTEM LOCATION:**

Office of the General Counsel, Room 1417 MT, Treasury Department, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have had private relief bills introduced in Congress on their behalf.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Congressional committee or OMB request for Treasury views on proposed legislation plus comments on proposals from offices or bureaus of Treasury.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301. A function of the Office of the General Counsel is to handle and



coordinate legislative work that concerns Treasury.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information in this system may be used to furnish reports on proposed legislation to Congress or OMB.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Indexed on 5" by 8" card by bill number and cross-indexed by individual's name. Complete file is kept by bill number and Congress.

**RETRIEVABILITY:**

By name and bill number.

**SAFEGUARD:**

Limited number of authorized employees permitted access.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer Room 3006 MT, Department of the Treasury, Office of the General Counsel, 1500 Pennsylvania Ave., NW Washington, DC 20220

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below)

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above

**RECORD SOURCE CATEGORIES:**

Sources of the request are usually Congressional committees or OMB. Other information comes from the Treasury bureau or office concerned in the matter and from the individual concerned

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .156

**SYSTEM NAME:**

Tax Court Judge Applicants—Treasury/DO.

**SYSTEM LOCATION:**

Department of the Treasury, Office of the General Counsel, Room 3000 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals requesting consideration for appointment to Tax Court judgeships.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information concerning the qualification of individuals for appointment to the Tax Court.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7443.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information from this system may be disclosed to the White House with recommendations to the President on appointments to the Tax Court.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File cabinets

**RETRIEVABILITY:**

By name of individual

**SAFEGUARDS:**

The files are kept in locked cabinets with a limited number of employees permitted access

**RETENTION AND DISPOSAL:**

The records relating to individuals date from 1981 and are destroyed at the end of each administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officer, Office of the General Counsel, Room 3006-MT, 1500 Pennsylvania Ave., NW, Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of

records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

Individual concerned and letters of recommendation from other individuals submitted at the request of the individual and/or the Department.

**SYSTEMS EXEMPT FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .183

**SYSTEM NAME:**

Private Relief Tax Bill Files—Office of the Assistant Secretary for Tax Policy—Treasury/DO.

**SYSTEM LOCATION:**

Room 4028-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have had private relief tax bills introduced in Congress on their behalf.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Congressional Committee or OMB request for Treasury views on proposed legislation, plus comments on proposal from offices or bureaus of Treasury, plus the Internal Revenue Service data concerning the issues involved and that unit's recommendation, and the report of the Treasury on the Bill.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Information from this system may be disclosed to OMB and Congress.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File Folders.



**RETRIEVABILITY:**

By bill numbers or name of person for whom relief is sought.

**SAFEGUARDS:**

Access limited to Tax Policy personnel.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed until shipped to National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Tax Legislative Counsel, Room 4028-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Program Manager (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Principally the Congress and the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .190

**SYSTEM NAME:**

General Allegations and Investigative Records—Treasury/DO.

**SYSTEM LOCATION:**

Office of the Inspector General, ICC Building, 1201 Constitution Ave., NW., Washington, DC 20423

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(A) Current and former employees of the Department of the Treasury and persons whose association with current and former employees relate to the alleged violations of the Department's rules of conduct, the Office of Personnel

Management merit system, or any other criminal or civil misconduct, which affects the integrity or facilities of the Department of Treasury. The names of individuals and the files in their names may be: (1) Received by referral; or (2) initiated at the discretion of the Office of the Inspector General in the conduct of assigned duties. (B) Individuals who are: Witnesses; complainants; confidential or nonconfidential informants; suspects; defendants; parties who have been identified by the Office of the Inspector General, constituent units of the Department of Treasury, other agencies, or members of the general public in connection with the authorized functions of the Inspector General. (C) Current and former senior Treasury and bureau officials who are the subject of investigations initiated and conducted by the Office of the Inspector General.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(A) Letters, memoranda, and other documents citing complaints of alleged criminal or administrative misconduct. (B) Investigative files which include: (1) Reports of investigations to resolve allegations of misconduct or violations of law with related exhibits, statements, affidavits, records or other pertinent documents obtained during investigations; (2) transcripts and documentation concerning requests and approval for consensual (telephone and consensual non-telephone) monitoring; (3) reports from or to other law enforcement bodies; (4) prior criminal or noncriminal records of individuals as they relate to the investigations; and (5) reports of actions taken by management personnel regarding misconduct and reports of legal actions resulting from violations of statutes referred to the Department of Justice for prosecution.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 321.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (A) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation; (B) to disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, or where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal

law or regulation; (C) to disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or the issuance of a security clearance, license, contract, grant, or other benefit; (D) to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena or in connection with criminal law proceedings; (E) to provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (F) to provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (G) to provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in file jackets and magnetic media maintained in locked safes.

**RETRIEVABILITY:**

Alphabetically by name and by case number.

**SAFEGUARDS:**

Records and word processing disks are maintained in locked safes and all access doors are locked when office is vacant. The records are available to Office of the Inspector General personnel who have an appropriate security clearance on a need-to-know basis.

**RETENTION AND DISPOSAL:**

Investigative files are stored on-site for three years and indices to those files are stored on site for five years. The word processing disks will be retained indefinitely; however, they will be updated periodically to reflect changes and will be purged when the information is no longer required. Upon expiration of their respective retention periods, the investigative files and their indices are transferred to the Federal Records Center, Suitland, Maryland, for storage.



and in most instances destroyed by burning, maceration or pulping when 20 years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Inspector General, Room 2412-MT,  
1500 Pennsylvania Ave., NW.,  
Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Pursuant to 5 U.S.C. 552a(j)(2) and (k)(2), this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

See "Notification Procedures" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification Procedures" above.

**RECORD SOURCE CATEGORIES:**

See "Categories of Individuals" above. This system contains investigatory material for which sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552 (a)(3)(4), (d)(1)(2)(3)(4), (e)(1)(2)(3), (4)(G), (H), and (I), (e)(5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

Treasury/DO .193

**SYSTEM NAME:**

Treasury Employee Locator System—  
Treasury/DO.

**SYSTEM LOCATION:**

Main Treasury Building, 1500  
Pennsylvania Ave., NW., Washington,  
DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Information on all employees of the Department is maintained in the system if the proper locator card is provided.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, office telephone number, bureau, office symbol, building, room number, home address and phone number, and person to be notified in case of emergency.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside of the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Hard copy and magnetic media.

**RETRIEVABILITY:**

Indexed by name and/or block code numbers.

**SAFEGUARDS:**

All records, including computer system and all terminals are located within secure space. Only authorized personnel have access.

**RETENTION AND DISPOSAL:**

Records are kept as long as needed, updated periodically and destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Telecommunications  
Operations Branch, Room 1121-MT, 1500  
Pennsylvania Ave., NW., Washington,  
DC 20220.

**NOTIFICATION PROCEDURE:**

See "System Manager" above.

**RECORD ACCESS PROCEDURES:**

See "System Manager" above.

**CONTESTING RECORD PROCEDURES:**

See "System Manager" above.

**RECORD SOURCE CATEGORIES:**

Information is provided by individual employees. Necessary changes made if requested.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .194

**SYSTEM NAME:**

Document Delivery Control System—  
Treasury.

**SYSTEM LOCATION:**

Department of the Treasury,  
Information Services Division, Room  
5030-MT, 1500 Pennsylvania Avenue,  
NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Department employees who are library users.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employees who borrow library materials or receive current news publications or library material on distribution.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records of items borrowed from the Treasury Library collection, distribution lists for publications and subscription control lists are maintained in computer disk and tape files. Hard copy printouts of data are used for working copies to update computer data bases. Computer files are maintained by name of subscriber or borrower, office locator information, office billing code (for subscription control module) and title of publication.

**RETRIEVABILITY:**

Data can be retrieved from the system by borrower name, office or organization, and publication title.

**SAFEGUARDS:**

Access to the computerized systems online requires knowledge of identification codes and protocols for calling up the data files; printed lists of borrower names are kept in a locked file. Access to the necessary protocols and identification codes is limited to staff of the Readers Services Branch and Acquisitions Unit responsible for maintenance and oversight of the circulation, subscription control, and distribution functions.

**RETENTION AND DISPOSAL:**

Only current data are maintained online; hard copy of computer data for the circulation and distribution functions is kept on a current basis only; hard copy of the subscription control data is kept for current and preceding fiscal years only.

**SYSTEM MANAGER(S) AND ADDRESS:**

Manager, Information Services  
Division, Department of the Treasury,  
Room 5030-MT, 1500 Pennsylvania Ave.,  
NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to Disclosure Program Manager, Department of the Treasury, Room 1054-MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**RECORD ACCESS PROCEDURES:**

See "Notification procedure" above.

**CONTESTING RECORD PROCEDURES:**

See "Notification procedure" above.



**RECORD SOURCE CATEGORIES:**

Charge-out records completed by borrowers. Requests for subscriptions or distribution submitted by Treasury officials and employees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/DO .196

**SYSTEM NAME:**

Physical Security Information System—Treasury/DO.

**SYSTEM LOCATION:**

Room 1306 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Department of the Treasury officials who classify documents with a national security classification, i.e., Top Secret, Secret, or Confidential.

Each Department of the Treasury official, by name and position title, who has been delegated the authority to downgrade and declassify national security information and who is not otherwise authorized to classify a document at its present classification level. The authority is delegated only by the Secretary or the Assistant Secretary of the Treasury (Management).

Each Department of the Treasury official, by name and position title, who has been delegated the authority for original classification of national security information, exclusive of officials specifically authorized original classification authority by 31 CFR Part 2. Delegations of top secret original classification authority require that the authorizing official be the Secretary or the Assistant Secretary of the Treasury (Management).

Each Department of the Treasury official by name and position title delegated the authority to derivatively classify national security information in accordance with an approved classification guide on the basis of source documents.

Each Department of the Treasury official who does not have original classification authority for national security information and who is not authorized to downgrade and declassify national security information, but who may control and/or decontrol officially limited information.

An alphabetical listing of Department of the Treasury employees who have valid security violations as a result of the improper handling, safeguarding, or storage of classified national security and officially limited information.

Department of the Treasury personnel concerned with classified national security and officially limited information who have participated in a security orientation program regarding the significant features of the security requirements and procedures for the handling and safeguarding of classified national security and officially limited information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Report of Authorized Downgrading and Declassification Officials, (2) Report of Authorized Classifiers, (3) Report of authorized Derivative Classifiers, (4) Designation of Controlling/Decontrolling Officials, (5) Record of Security Violation, and (6) Physical Security Orientation Acknowledgment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order No. 12356, dated April 2, 1982, Title 31 Subtitle A Part 2, and Treasury Directives 71-02.A, dated January 29, 1981, and 71-04.A, dated February 26, 1982.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records and information in these records may be used to disclose information to appropriate Federal agencies; e.g., the Information Security Oversight Office, General Services Administration, responsible for enforcing or implementing a statute, rule, regulation or order. The system is designed to (1) oversee compliance with Executive Order No. 12356 and Departmental programming and Implementation, (2) prevent improper classification of national security information, (3) record details of valid security violations and (4) assist in determining the effectiveness of physical security programs.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Hard copy paper files.

**RETRIEVABILITY:**

Manually filed and indexed by office or bureau, date, name of official and position title, where appropriate.

**SAFEGUARDS:**

Secured in security equipment to which access is limited to personnel with the need to know.

**RETENTION AND DISPOSAL:**

With the exception of the Record of Security Violation, which is maintained for a period of two years, and the

Physical Security Orientation Acknowledgment, the remaining records are destroyed and/or updated on an annual basis. Destruction is effected by shredding or other comparable means.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Security, 1306 Main Treasury Building, 1500 Pennsylvania Avenue NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or to gain access to records maintained in this system, must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and types of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information) to the Disclosure Program Manager. (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Program Manager, Department of the Treasury, Room 1054 MT, 1500 Pennsylvania Ave., NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures" above.

**RECORD SOURCE CATEGORIES:**

The sources of the information are office and bureau employees of the Department of the Treasury. The information concerning any security violation is reported by Department of the Treasury security officials and the U.S. Department of State security officials as concerns Department of the Treasury personnel attached to U.S. diplomatic posts or missions.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/ATF .001

**SYSTEM NAME:**

Administrative Record System—Treasury/ATF.

**SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Branch, Room 4412,



1200 Pennsylvania Avenue, NW.,  
Washington, DC 20226.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Claimants against the Bureau of ATF.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Accident Report—non-vehicle. (2) Accident Report—vehicle. (3) Accountability records for Government property. (4) Credit card purchases. (5) Disability reports. (6) Fatality reports. (7) Motor pool records. (8) Injury reports. (9) Motor vehicle operator's records. (10) Chief Counsel and Regional Counsel memoranda and opinions.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) Federal Claims Collection Act. (2) Federal Employees Compensation Act. (3) Federal Property and Administration Services Act of 1949, as amended. (4) Federal Tort Claims Act. (5) Military Personnel and Federal Employees Claim Act. (6) Occupational Safety and Health Act of 1970. (7) Small Claims Act. (8) 5 U.S.C. 1302, 3301, 3302.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A record in this system may be disclosed as a routine use to: (a) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to an administrative matter. (c) Appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit. (d) A court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (g) Provide information to the news

media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

##### **RETRIEVABILITY:**

Records are retrievable by name of individual.

##### **SAFEGUARDS:**

Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis or where "a right to access" is established, and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

##### **RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules Numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms records control schedules numbers 101 and 201 and disposed of by shredding or burning.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Administrative Services Division Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

##### **NOTIFICATION PROCEDURE:**

Inquiries should be addressed to: privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

##### **RECORD ACCESS PROCEDURES:**

Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals of determinations refusing amendment of records should be addressed to: Privacy

Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

##### **CONTESTING RECORD PROCEDURES:**

See Access above.

##### **RECORD SOURCE CATEGORIES:**

(1) Administrative records. (2) Claimants. (3) Doctors. (4) Employee records. (5) Fiscal records. (6) Former employees of the Bureau of ATF. (7) Former employers. (8) General Services Administration. (9) Individuals who have information relevant to claims. (10) Inspections records. (11) Internal investigation reports. (12) Police reports. (13) Present employees of the Bureau of ATF. (14) Supervisors. (15) Witnesses.

##### **SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/ATF .002

##### **SYSTEM NAME:**

Correspondence Record System—Treasury/ATF.

##### **SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Branch, Room 4412, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

##### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Persons who correspond with the Bureau requesting information relating to Bureau personnel. (2) Persons who correspond with the Bureau requesting information relating to Bureau activities. (3) Persons who correspond with the Bureau requesting rulings, interpretations, or technical and scientific matters of a general nature. (4) Persons who correspond with others and whose correspondence is referred to ATF for response. (5) Persons referred to in correspondence with the Bureau. (6) Authors and publishers of technical and scientific matters relating to Bureau activities.

##### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence with individuals who contact the Bureau requesting information relating to Bureau personnel and/or activities, Chief Counsel and



Regional Counsel memoranda and opinions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, Executive Order 11222.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A record in this system may be disclosed as a routine use to: (a) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to an administrative, fiscal or personnel matter. (c) Appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit. (d) A court, magistrate or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers.

**RETRIEVABILITY:**

Records are retrieved by name, subject matter and date of correspondence.

**SAFEGUARDS:**

Transmitted to routine users on a "need to know" basis. Stored in lockable file cabinets in rooms locked during non-duty hours.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the

National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director (Congressional and Media Affairs), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**RECORD ACCESS PROCEDURES:**

Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Persons who correspond with the Bureau on general, technical or scientific matters.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/ATF .003

**SYSTEM NAME:**

Criminal Investigation Report System—Treasury/ATF.

**SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. A list of field

offices is available by writing to the Chief, Disclosure Branch, Room 4412, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Criminal offenders or alleged criminal offenders acting alone or in concert with other individuals and suspects who have been or are under investigation for a violation or suspected violation of laws enforced by the Bureau. (2) Criminal offenders or alleged criminal offenders acting alone or in concert with individuals who have been referred to the Bureau of Alcohol, Tobacco and Firearms by other law enforcement agencies, governmental units and the general public. (3) Informants. (4) Persons who come to the attention of the Bureau in the conduct of criminal investigations. (5) Persons who have been convicted of a crime punishable by imprisonment for a term exceeding one year and who have applied for relief from disabilities under Federal law with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and explosives and whose disability was incurred by reason of such conviction. (6) Victims of crimes. (7) Witnesses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole and probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable to an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records compiled and maintained by the Bureau as generally described in (a), (b), and (c) above including the following: (1) Abandoned property reports. (2) ATF Criminal Investigation Reports (not resulting informal prosecution reports). (3) ATF referrals to foreign Federal, state, and local law enforcement agencies. (4) Chief and Regional Counsel opinions. (5) Contemporaneous investigative notes. (6) Criminal investigatory correspondence from and to foreign, Federal, state and local law enforcement agencies. (7) Criminal



intelligence information on individuals suspected to be violating ATF laws and regulations. (8) Documentary proof of defendant's criminal record, identity, or lack of registration of N.F.A. (as amended) firearm(s). (9) FBI Criminal Record Reports. (10) Fingerprints and palmprints. (11) Fugitive arrest warrants. (12) Handwriting exemplars. (13) Index cards, violation and reputation. (14) Illicit liquor and raw material surveys. (15) Laboratory reports of evidence analysis. (16) Memoranda of expected testimony of witnesses. (17) Organized crime members violating or suspected of violating ATF laws. (18) Parole and pardon reports. (19) Personal histories (address, employment, social security number, financial background, physical description, etc.). (20) Photographs. (21) Purchase of evidence records. (22) Records of electronic surveillance by ATF. (23) Records received in response to summons and subpoenas. (24) Reliefs from disability. (25) Reports of interview with witnesses. (26) Search warrants and affidavits for search warrants. (27) Seized property reports. (28) Significant criminals, armed and dangerous, firearms, explosives, liquor, and wagering. (29) Special agent's daily activity diary (accessible by date only). (30) State and local law enforcement criminal investigative reports. (31) Statements of defendants. (32) Statements of witnesses. (33) Summons and subpoenas issued pursuant to criminal investigations. (34) Voice prints. (35) Wagering tax suspected violators. (36) Warning and demand letters. (37) Criminal violation reports (a formal report compiling all or portions of the foregoing for prosecutive purposes).

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) 26 U.S.C. Chapters 35 and 40. (2) 26 U.S.C. Chapters 51 and 52. (3) 26 U.S.C. Chapters 53, as amended. (4) 26 U.S.C. Chapters 61 through 80, as amended. (5) 27 U.S.C. Chapter 8, as amended (Federal Alcohol Administration Act). (6) 18 U.S.C. Chapter 40. (7) 18 U.S.C. Chapter 44. (8) 18 U.S.C. Chapter 59. (9) 18 U.S.C. App. 1201-1203 (Title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by Title III of the Gun Control Act of 1968). (10) 22 U.S.C. section 414. (Mutual Security Act of 1954, as amended). (11) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan of 1950), Treasury Order 221, 5 U.S.C. section 301.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The purpose of this system is to suppress traffic in illicit untaxpaid

distilled spirits; to enforce the Federal laws relating to the illegal possession and use of firearms, destructive devices, explosives, explosive materials, and wagering activities; and to assist Federal, state, local and foreign law enforcement agencies in reducing crime and violence. A record in this system may be disclosed as a routine use to: (a) Employees of other government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (c) Appropriate Federal, state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal laws relating to the hiring or retention of an employee; issuance of security clearance, license, contract, grant or other benefit. (d) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) INTERPOL and similar criminal intelligence gathering organizations for the purpose of identifying and suppressing the activities of international and national criminals and terrorists. (f) Appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (g) Insurance companies making determinations regarding claims in cases that the Bureau has conducted or is conducting an arson investigation. (h) A congressional office in response to an inquiry of the individual to whom the record pertains. (i) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (j) provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records

Centers. Records also stored on magnetic tape at ADP Division, Technical and Scientific Services Branch of Bureau Headquarters and at the IRS Data Center, Detroit, MI. Records are stored in on-line mass computer storage at San Diego, CA (Treasury Enforcement Communications System).

##### **RETRIEVABILITY:**

Records are retrievable by name, date of birth, social security number, unique identifier, investigation number, serial number of firearm, or a combination of any of these; plus date and geographical location of incident giving rise to investigation.

##### **SAFEGUARDS:**

Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

##### **RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records on tape or on-line mass storage are disposed of by degaussing.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director (Law Enforcement), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

##### **NOTIFICATION PROCEDURE:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

##### **RECORD ACCESS PROCEDURES:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

##### **CONTESTING RECORD PROCEDURES:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempted from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).



**RECORD SOURCE CATEGORIES:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(I).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Exempt under 5 U.S.C. 552a(j) and 31 CFR 1.36.

Treasury/ATF .004

**SYSTEM NAME:**

Fiscal Record System—Treasury/ATF.

**SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Branch, Room 4412, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Present employees. (2) Former employees. (3) Recipients of rewards. (4) Vendors furnishing goods and services to the Bureau.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Advance of Funds. (2) Agreements. (3) Contracts. (4) Designated Agents or recommended Designated Agents. (5) Designated timekeepers and alternates. (6) Employee pay records. (7) Purchase orders. (8) Payment vouchers. (9) Time and attendance records. (10) Travel and moving vouchers. (11) Travel request and authorization. (12) Chief Counsel and Regional Counsel memoranda and opinions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) 5 U.S.C. sections 901 and 903, 5 U.S.C. App. (Reorganization Plan No. 26 of 1950), Treasury Order 221; 5 U.S.C. section 301. (2) Executive Order 6166 (amended).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A record in this system may be disclosed as a routine use to: (a) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal

proceedings. (c) Any third party, to the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to an administrative, fiscal or personnel matter. (d) Appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit. (e) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (f) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (g) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, MI.

**RETRIEVABILITY:**

Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

**SAFEGUARDS:**

Direct access restricted to personnel in Department of Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis or where "a right to access" is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms records Controls Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tapes, discs or in on-

line mass storage, are disposed of by degaussing.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Fiscal Division, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**RECORD ACCESS PROCEDURES:**

Requests for access to records made by mail should be addressed to: Privacy Act Request, Bureau of Alcohol, Tobacco and Firearms, 2200 Pennsylvania Avenue, NW., Washington, DC 20226. Requests may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals of determinations refusing amendment of records should be addressed to: Privacy Act Appeal, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Appeals may be delivered personally to Room 4412, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

(1) Former employees of the Bureau of ATF. (2) IRS Data Center. (3) Present employees of the Bureau of ATF. (4) Surviving spouse of deceased personnel. (5) Vendors of necessary goods and services for operations of Bureau of ATF.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/ATF .005

**SYSTEM NAME:**

Freedom of Information Requests—Treasury/ATF.

**SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226.



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are requesting information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence pursuant to the Freedom of Information Act, internal processing documents and memoranda, referrals and copies of requested records, and Chief Counsel and Regional Counsel memoranda and opinions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Freedom of Information Act, 5 U.S.C. 552.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (a) To disclose information to other agencies when required for coordination of response or referral. (b) To disclose information to the Department of Justice for defending law suits. (c) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders.

**RETRIEVABILITY:**

By name of requester(s) and date of request.

**SAFEGUARDS:**

Filed in filing cabinet and released only to individuals with legitimate right to review.

**RETENTION AND DISPOSAL:**

In accordance with the provisions of the Act and Departmental records management procedures.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Disclosure Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

See System manager.

**RECORD ACCESS PROCEDURES:**

See System manager.

**CONTESTING RECORD PROCEDURES:**

See System manager.

**RECORD SOURCE CATEGORIES:**

Individuals who make Freedom of Information Act requests. Federal

officials responding to Freedom of Information Act requests and documents from official records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/ATF .006****SYSTEM NAME:**

Internal Security Record System—Treasury/ATF.

**SYSTEM LOCATION:**

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Present employees of the Bureau of ATF. (2) Former employees of the Bureau of ATF. (3) Applicants for employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Records containing investigative material compiled for law enforcement purposes including reports relating to: (a) Conduct of employees. (b) Integrity of employees. (2) Records containing investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information including reports relating to security clearances of employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 201, Executive Order 10450, Executive Order 11222.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

This system is used to assure the Bureau Director, the Department of the Treasury, and the public that the Bureau is taking strong and vigorous steps to maintain the highest standards of integrity, loyalty, conduct, and security among Bureau personnel. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: (a) Employees of other government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (c) Appropriate Federal,

state, local and foreign agencies for the purpose of enforcing and investigating administrative, civil or criminal law relating to the hiring or retention of an employee; issuance security clearance, license, contract, grant or other benefit. (d) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) Appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (f) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (g) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Center.

**RETRIEVABILITY:**

Records are retrievable by name.

**SAFEGUARDS:**

Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis and to others upon verification of the substance and propriety of the request. Stored in lockable metal file cabinets in rooms locked during non-duty hours.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules Numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control



Schedules numbers 101 and 201 and disposed of by shredding or burning.

#### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Director (Internal Affairs),  
Bureau of Alcohol, Tobacco and  
Firearms, 1200 Pennsylvania Avenue,  
NW., Washington, DC 20226.

#### NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

#### RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

(1) Employees of this Bureau. (2) Internal Investigative report forms. (3) witnesses. (4) informants. (5) Federal, state and local enforcement agencies. (6) Employers. (7) Educational institutions. (8) Credit agencies. (9) Neighbors. (10) References. (11) Professional Organizations. (12) Other government agencies.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Portions exempt under 5 U.S.C. 552a (k) (relating to security clearances) and 5 U.S.C. 552a(k)(2) (relating to conduct and integrity) and 31 CFR 1.36.

Treasury/ATF .007

#### SYSTEM NAME:

Personnel Record System—Treasury/ATF.

#### SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout the Bureau's field offices. A list of field offices is available by writing to the Chief, Disclosure Branch, Room 4412, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Present Employees of the Bureau of ATF. (2) Former Employees of the Bureau of ATF. (3) Applicants for employment with ATF.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Allotment and Dues. (2) Annual Tax Reports. (3) Applicants for

employment. (4) Applications for reassignment. (5) Awards, honors, and fellowship records. (6) Classification appeal records. (7) Death claim records. (8) Educational history. (9) Employee indebtedness records. (10) Employees qualified as Grievance Examiners. (11) Employee Suggestions. (12) Employee history. (13) Employee relations case file. (14) Equal employment opportunity case file. (15) Health maintenance records. (16) Insurance records. (17) Military history. (18) Occupational injuries, disabilities, and Worker's Compensation Records. (19) Official personnel folder. (20) Outside employment and identification numbers, business or professional records. (21) Outside employment. (22) Outside financial interests. (23) Overtime and/or premium pay records. (24) performance evaluation records. (25) personal history. (26) position description records. (27) promotion/Selection Certificates Records. (28) property custody records. (29) Retirement records. (30) Security clearance records. (31) Statement of career goals. (32) Supervisory or managerial potential records. (33) Temporary assignments and details. (34) Time application reports and records. (35) Training record. (36) U.S. Savings Bond participation records. (37) Upward mobility applications. (38) Vehicle accidents. (39) Withholding tax records. (40) Work schedule records. (41) Chief Counsel and Regional Counsel memoranda and opinions.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 5 U.S.C. Chapter 29, Subchapter II. (2) 5 U.S.C. Chapters 31 and 33. (3) 5 U.S.C. Chapter 43. (4) 5 U.S.C. Chapter 45. (5) 5 U.S.C. Chapter 51. (6) 5 U.S.C. Chapter 55, Subchapter III. (7) 5 U.S.C. Chapter 61. (8) 5 U.S.C. Chapter 75. (9) 5 U.S.C. Chapter 83. (10) 5 U.S.C. Section 301. (11) 5 U.S.C. 4503. (12) 5 U.S.C. Section 5101-5115. (13) 5 U.S.C. Section 7151-7154. (14) 5 U.S.C. Section 7901. (15) Pub. L. 92-261 (Equal Employment Act of 1972). (16) Pub. L. 93-579. (17) Federal Employees Compensation Act. (18) Occupational Safety and Health Act of 1970. (19) Executive Order 10561. (20) Executive Order 11222. (21) Executive Order 11478. (22) Executive Order 11491.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system may be disclosed as a routine use to: (a) Employees of government agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Any third party, to

the extent necessary, to collect relevant information from the third party, provided that the information is needed by the Bureau to render a decision in regard to a personal matter. (c) Appropriate Federal, state, local or foreign agencies responsible for enforcing administrative, civil, or criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit. (d) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) Unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (g) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Active records stored in file folders in security filing cabinets. Inactive records stored in file folders at Federal Records Centers. Records also stored on magnetic tape at the IRS Data Center, Detroit, MI. Records are stored in on-line mass computer storage at San Diego, CA (Treasury Enforcement Communications System).

##### RETRIEVABILITY:

Records are retrievable by name, date of birth, social security number, employee identification number, or a combination of any of these four.

##### SAFEGUARDS:

Direct access restricted to personnel in Department of the Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis or where "a right to access" is established, and to others upon verification of the substance and propriety of the request. Stored in lockable file cabinets in rooms locked during non-duty hours.

##### RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules



numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

#### SYSTEM MANAGER(S) AND ADDRESS:

Comptroller, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

#### NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 552a(e)(4)(G).

#### RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has exempted this system of records from compliance with the provisions of 5 U.S.C. 522a(e)(4)(H).

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

(1) Administrative Records. (2) Applicants for employment with Bureau. (3) Acquaintances. (4) Business and professional associates. (5) Creditors. (6) Criminal records. (7) Educational Institutions attended. (8) Employee records. (9) Equal Employment Opportunity Commission. (10) Financial institutions. (11) Fiscal records. (12) Former employees. (13) Former employers. (14) Inspection records. (15) Internal investigation reports. (16) Internal Revenue Service. (17) Military records. (18) Outside employers. (19) Physicians. (20) Police reports. (21) Position classification specialists. (22) Psychiatrists. (23) References. (24) Supervisors. (25) Training officers. (26) Unions, accredited. (27) Office of Personnel Management. (28) Witnesses.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exempt under 5 U.S.C. 552a(k) and 31 CFR 1.36.

Treasury/ATF .008

#### SYSTEM NAME:

Regulatory Enforcement Record System—Treasury/ATF.

#### SYSTEM LOCATION:

Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this system of records are also geographically dispersed

throughout ATF's regional and field offices.

A list of field offices is available by writing to the Chief, Disclosure Branch, Room 4412, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Individuals who have been issued permits or licenses, have filed applications with ATF, or have registered with ATF as: (a) Brewers. (b) Claimants for refund, abatement, credit, allowance or drawback of excise or special occupational taxes. (c) Collectors of firearms or ammunition. (d) Importers or wholesalers of beer, wine or distilled spirits; distillers, rectifiers, bottlers, or warehousemen of distilled spirits; or wine producers. (e) Individuals who produce, receive, blend, store or treat wine or distilled spirits for experimental or research purposes. (f) Individuals who establish experimental distilled spirits plants. (g) Liquor bottle manufacturers. (h) Manufacturers of stills. (i) Manufacturers, importers, or dealers of firearms or ammunition. (j) Manufacturers, importers, dealers, or users of explosive materials. (k) Manufacturers, proprietors of export warehouses or importers of tobacco products. (l) Non-beverage drawback claimants. (m) Operators of pilot brewing plants. (n) Possessors of stills and related equipment. (o) Proprietors of vinegar plants, fruit—flavor concentrate plants or class 6 bonded warehouses. (p) Proprietors of bonded wine cellars, bonded wineries, tax paid wine bottling houses, or bonded wine warehouses. (q) Reprocessors or rebottlers of specially denatured spirits. (r) Retailers of beer, wine or distilled spirits. (s) Users of tax-free alcohol, dealers or users of specially denatured spirits, or recoverers of specially denatured or completely denatured spirits. (t) Individuals who establish alcohol fuel plants. (u) Exporters of beer, wine and distilled spirits subject to drawback. (2) Individuals who are employed by businesses engaged in the activities specified in paragraph 1 and who are officers, directors, holders of 10 percent or more of the outstanding stock, designated agents, or responsible persons. (3) Individuals who are not qualified to engage in any of the activities listed in paragraph 1, but who are assessed excise or special occupational taxes. (4) Individuals who submit Offers in Compromise.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records containing investigative material compiled for law enforcement purposes which may consist of the

following: (1) Abstracts of offers in compromise. (2) Administrative law judge decisions. (3) Assessment records: (a) Notices of proposed assessments. (b) Notices of shortages or losses. (c) Notices to IRS to assess taxes. (d) Recommendation for assessments. (4) Claim records: (a) Claims. (b) Letters of claim rejection. (c) Sample reports. (d) Supporting data. (e) Vouchers and schedules of payment. (5) Comments on proposed rulemakings. (6) Complaints from third parties. (7) Correspondence concerning records in this system and related matters. (8) Financial statements. (9) Inspection and investigation reports. (10) Joint demands on principals and sureties for payment of excise tax liabilities. (11) Letters of reprimand. (12) Lists of permittees and licensees. (13) Lists of officers, directors and principal stockholders. (14) Mailing lists and addressograph plates. (15) Notices of delinquent reports. (16) Offers in compromise. (17) Operation records: (a) Operating reports. (b) Reports of required inventories. (c) Reports of thefts or losses of firearms—who maintains records. (d) Reports of thefts of explosive materials—who maintains records. (e) Transaction records. (f) Transaction reports. (18) Orders of revocation, suspension or annulment of permits or licenses. (19) Regional and Chief Counsel opinions and memoranda. (20) Reports of violations. (21) Permit status records. (22) Qualifying records: (a) Access authorizations. (b) Advertisement records. (c) Applications. (d) Bonds. (e) Business histories. (f) Criminal records. (g) Diagrams of premises. (h) Educational histories. (i) Employment histories. (j) Environmental records. (k) Financial data. (l) Formula approvals. (m) Label approvals. (n) Licenses. (o) Notices. (p) Permits. (q) Personal references. (r) Plant profiles. (s) Plant capacities. (t) Plans and plans. (u) Registrations. (v) Sample reports. (w) Signature authorities. (x) Special permissions and authorizations. (y) Statements of process. (23) Show cause orders. (24) Tax records: (a) Control cards relating to periodic payment and prepayment of taxes. (b) Excise and special tax returns. (c) Notices of tax discrepancy or adjustment.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

(1) 26 U.S.C. 5172. (2) 26 U.S.C. 5271 (b)(1). (3) 26 U.S.C. 5356. (4) 26 U.S.C. 5401. (5) 26 U.S.C. 5417. (6) 26 U.S.C. 5502(b). (7) 26 U.S.C. 5511 (3). (8) 26 U.S.C. 5521(a). (9) 26 U.S.C. 5179(a). (10) 22 U.S.C. 204(c). (11) 26 U.S.C. 5105. (12) 26 U.S.C. 5275. (13) 26 U.S.C. 5301(b). (14) 26 U.S.C. 5132. (15) 26 U.S.C. 5042



(a)(2). (16) 26 U.S.C. 7011. (17) 26 U.S.C. 5712. (18) 18 U.S.C. 9230(a). (19) 18 U.S.C. 923(b). (20) 18 U.S.C. 8430(a). (21) 22 U.S.C. 414. (22) 26 U.S.C. 4401(a). (23) 26 U.S.C. 6001. (24) 26 U.S.C. 6011(a). (25) 26 U.S.C. 5001. (26) 26 U.S.C. 5021-5023. (27) 26 U.S.C. 5041. (28) 26 U.S.C. 5051. (29) 26 U.S.C. 6201. (30) 26 U.S.C. 5008. (31) 26 U.S.C. 5044. (32) 26 U.S.C. 5056. (33) 26 U.S.C. 5705. (34) 26 U.S.C. 6423 (b). (35) 26 U.S.C. 5009(a). (36) 26 U.S.C. 5006(a). (37) 26 U.S.C. 5055. (38) 26 U.S.C. 5062(c). (39) 26 U.S.C. 5106. (40) 26 U.S.C. 5131(c). (41) 26 U.S.C. 5064. (42) 26 U.S.C. 7122. (43) 27 U.S.C. 207. (44) 18 U.S.C. 843(d). (45) 18 U.S.C. 923 (f). (46) 27 U.S.C. 204(e). (47) 26 U.S.C. 5312(a). (48) 26 U.S.C. 5042(a)(3). (49) Reorganization Act of 1949, 5 U.S.C. Sections 901 *et seq.*; Revenue Act of 1951, Section 616; Treasury Department Order 221 (37 F.R. 11696, dated June 19, 1972). (50) 5 U.S.C. 301. (51) 26 U.S.C. 5181.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The purpose of this system is to determine suitability, eligibility or qualifications of individuals who are engaged or propose to engage in activities regulated by ATF; achieve compliance with laws under ATF's jurisdiction; assure full collection of revenue due from legal industries; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits, beer and wine industries; interact with Federal, state and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern. When a criminal investigation results a compilation of information contained in this system of records, the information shall be transferred to the Treasury ATF—Criminal Investigation Report System and shall become part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: (a) Employees of other governmental agencies when required or authorized to be released by statute, regulations or Executive Order. (b) Any third party to the extent necessary to collect or verify information pertinent to the Bureau's decision to grant, deny or revoke a license or permit; to initiate or complete an investigation of violations or alleged violations of laws and regulations administered by the Bureau. (c) Appropriate Federal, state, local or foreign agencies for the purpose of enforcing administrative, civil or criminal laws; hiring or retention of an employee; issuance of a security

clearance, license, contract, grant or other benefit. (d) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of or in preparation for civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) INTERPOL and similar national and international intelligence gathering organizations for the purpose of identifying international and national criminals involved in consumer fraud, revenue evasion or crimes. (f) Foreign governments in accordance with formal or informal international agreements. (g) Appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (h) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (i) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Active records stored in file folders in filing cabinets; card forms in card filing cabinets; and on magnetic tapes or microfiche at IRS Service Centers, ATF Headquarters, or Department of the Treasury.

##### RETRIEVABILITY:

Records are retrievable by name, permit or license number, or by document locator number.

##### SAFEGUARDS:

Direct access restricted to personnel in the Department of Treasury in the performance of their duty. Transmitted to routine users on a "need to know" basis and others upon verification of the substance and propriety of the request. Stored in file cabinets in rooms locked during non-duty hours.

##### RETENTION AND DISPOSAL:

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control

Schedules numbers 101 and 201 and disposed of by shredding, burning or by degaussing.

#### SYSTEM MANAGER(S) AND ADDRESS:

Associate Director (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226.

#### NOTIFICATION PROCEDURE:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a(e)(4)(G).

#### RECORD ACCESS PROCEDURES:

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 522a(e)(4)(H).

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

(1) Acquaintances. (2) Bureau Personnel. (3) Business and Professional Associates. (4) Creditors. (5) Criminal Records. (6) Financial Institutions. (7) Former Employers. (8) Internal Revenue Service. (9) Military Records. (10) Physicians. (11) Psychiatrists. (12) References. (13) Police Reports. (14) Witnesses. (15) Federal Law Enforcement Agencies. (16) State Law Enforcement Agencies. (17) Local Law Enforcement Agencies. (18) State Regulatory Agencies. (19) Federal Regulatory Agencies. (20) Local Regulatory Agencies. (21) Chief Counsel's Opinions. (22) Regional Counsel's Opinions. (23) Chief Counsel's Memoranda. (24) Regional Counsel's Memoranda. (25) Field investigation Reports. (26) Third Parties.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Exempt under 5 U.S.C. 552a(k)(2) and 31 CFR 1.36.

#### Treasury/ATF .009

#### SYSTEM NAME:

Technical and Scientific Services Record System—Treasury/ATF.

#### SYSTEM LOCATION:

Bureau of Alcohol, Tobacco, and Firearms, 1200 Pennsylvania Avenue, NW., Washington, DC 20226. Components of this record system are geographically dispersed throughout Bureau of Alcohol, Tobacco and Firearms' field offices. A list of field offices is available by writing to the



Chief, Disclosure Branch, Room 4412,  
1200 Pennsylvania Avenue, NW.,  
Washington, DC 20226.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Applicants to register firearms under the National Firearms Act. (2) Applicants for Surplus Military Firearms under the Director of Civilian Marksmanship Program. (3) Importers of implements of war as defined under the Mutual Security Act of 1954 and the Arms Export Control Act of 1976. (4) Licensed importers registered under the Mutual Security Act of 1954 and the Arms Export Control Act of 1976. (5) Manufacturers of National Firearms Act who are exempt from payment of Special (Occupational) tax provisions. (6) Non-Bureau chemists certified to make analysis of alcoholic beverages. (7) Persons involved in explosives tagging and detection program. (8) Registered owners of National Firearms Act firearms. (9) Special (Occupational) taxpayers as defined under Title II of the Gun Control Act of 1968. (10) Victims of explosives. (11) Individuals involved in Government funded research projects.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Alterations of registered National Firearms Act firearms. (2) Applications for surplus military firearms. (3) Applications to register firearms and destructive devices under the National Firearms Act. (4) Applications to import articles on the United States Munitions list. (5) Blueprints. (6) Certifications of payment of Special (occupational) tax payments. (7) Changes of address for owner of firearms registered under the National Firearms Act. (8) Claims for erroneous Special (Occupational) taxes payments. (9) Descriptions of Inventions. (10) Delinquency notices regarding proof of importation of National Firearms Act Firearms. (11) Explosive reports. (12) Non-Bureau chemists' statements of qualification. (13) Patent information. (14) Registrations of firearms and destructive devices under the National Firearms Act. (15) Registration of war trophy firearms. (16) Requests and authorizations for temporary movement and/or temporary storage of National Firearms Act firearms. (17) Technical and scientific data. (18) Transaction records concerning National Firearms Act firearms. (19) Trade secrets. (20) United States Government contracts to manufacturers of National Firearms Act firearms. (21) Chief Counsel and Regional Counsel memoranda and opinions.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

(1) 18 U.S.C. Chapter 40; (2) 18 U.S.C. Chapter 44; (3) 18 U.S.C. Section 3056; (4) 26 U.S.C. Sections 6001(a), 5001, 5008, 5009(a), 5006(a), 5021-5023, 5041, 5042 (a)(2), 5051, 5053, 5056, 5062(c), 5705, 6201, 6423(b), 5105, 5106, 5131(c), 5132, 5172, 5172(b)(1), 5275, 5301(b), 5356, 5401, 5417, 5502(b), 5511(3), 5521(a), 5179(a), 5712, 7011; (5) 27 U.S.C. Section 204(c); (6) 26 U.S.C. Chapter 35; (7) Executive Order 10973, as amended by Executive Order 11432.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The purpose of this system is to provide technical and scientific support and expertise to Criminal and Regulatory Enforcement activities of the Bureau; to other Federal, state, local and foreign law enforcement agencies; and to industries involved in activities regulated by the Bureau. When a criminal investigation results in a compilation of information contained in this system, the information so compiled shall be transferred to the ATF Criminal Investigation Report System and shall become a part of that system for all purposes of the Privacy Act of 1974. A record in this system may be disclosed as a routine use to: (a) Employees of other governmental agencies when required or authorized to be released by statute, regulations or Executive order. (b) Any third party to the extent necessary to collect or verify information pertinent to the Bureau's decision to grant, deny or revoke a license or permit; to initiate or complete an investigation of violations or alleged violations of laws and regulations administered by the Bureau. (c) Appropriate Federal, state, local or foreign agencies, for the purpose of enforcing administrative, civil, criminal laws; hiring or retention of an employee; issuance of a security clearance, license, contract, grant or other benefit. (d) A court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) INTERPOL and similar national and international intelligence gathering organizations for the purpose of identifying international and national criminals involved in consumer fraud, revenue evasion or crimes. (f) Foreign governments in accordance with formal or informal international agreements. (g) Appropriate Federal, state, local or

foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (h) Insurance companies making determinations regarding claims in cases that the Bureau has conducted or is conducting an arson investigation. (i) A congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (j) Provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Active records stored in file folders in filing cabinets; on 3 x 5 and 5 x 8 cards stored in card file cabinets; on microfilm reels; magnetic tape reels and discs; and on keypunch cards.

##### **RETRIEVABILITY:**

Records are retrievable by name, by unique identifier, control number, serial number of National Firearms Act firearms.

##### **SAFEGUARDS:**

Stored in file cabinets locked during non-duty hours.

##### **RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Schedules numbers 1 through 20 issued by the National Archives and Records Administration, and Bureau of Alcohol, Tobacco and Firearms Records Control Schedules numbers 101 and 201 and disposed of by shredding or burning. Records stored on tape discs or on-line mass storage are disposed of by degaussing.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director (Compliance Operations), Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue NW., Washington, DC 20226.

##### **NOTIFICATION PROCEDURE:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of U.S.C. 552a(e)(1)(G).



**RECORD ACCESS PROCEDURES:**

The Director of the Bureau of Alcohol, Tobacco and Firearms has determined this system of records to be exempt from compliance with the provisions of 5 U.S.C. 552a(e)(4)(H).

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

(1) Individuals. (2) Companies. (3) Corporations. (4) Firearms Licensees. (5) Explosive Licensees. (6) Explosive Permittees. (7) Bureau personnel. (8) Federal law enforcement agencies. (9) State law enforcement agencies. (10) Local law enforcement agencies. (11) Foreign law enforcement agencies. (12) Federal Regulatory agencies. (13) State Regulatory agencies. (14) Local Regulatory agencies. (15) Non-Bureau Chemists.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Exempt under 5 U.S.C. 552a(k)(2) and 31 CFR 1.36.

Treasury/Comptroller .004

**SYSTEM NAME:**

Consumer Complaint Information System (CCIS)—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza SW., Washington, DC 20219. Components of the CCIS are geographically dispersed throughout six (6) district offices. (See addresses listed in Appendix of OCC District Offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who file complaints against banks either directly or through second parties, e.g. attorneys, Congressional representatives.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The records are maintained in three general categories: Correspondence; computer tapes; and hard copies of computer generated reports. Data contained in these records are: The name and address of the complainant or their representative; the name and charter number of bank; the date of incoming letter; the date letter received by the OCC; numerical codes identifying the nature of the complaint, the source of the complaint, and the type of resolution; the name of person assigned to examine the complaint; the resolution date; and, if appropriate, the amount of reimbursement.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1, 12 U.S.C. 9, 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Sanitized copies of the files may be used in response to Congressional inquiries on specific subjects. Hard copy computerized reports are used to monitor the system, provide data for the Annual Report to Congress and inquiries from other agencies, public and private.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records in active use are stored in file cabinets in the processing office. Resolved complaints are stored in the office having primary responsibility for the subject's banks, generally the field office. Complaints against banks with over one billion dollars in assets are stored in the appropriate district office. Complaints which appeal the district office's resolution and complaints received from Congressional sources are stored in Central Files in the Washington Office. Active computer tapes are secured in the Information Systems and Technology Division and the computerized reports are stored in file cabinets.

**RETRIEVABILITY:**

Correspondence records are retrieved from the appropriate office using the bank and complainant's name. Other records are retrieved using the complainant's name or the identification number assigned to each complaint.

**SAFEGUARDS:**

Entrance to the floors where active complaint files are located is a controlled access system. Computer tapes are also located in a controlled access location. Inactive files are located in locked file rooms.

**RETENTION AND DISPOSAL:**

(a) Consumer complaint correspondence generating administrative action is part of the permanent bank record set that is retained at OCC for three calendar years, then transferred to Washington National Records Center and offered to National Archives Records Service when 20 years old. (b) Consumer complaints of a routine nature are held for three years, transferred to WNRC, and destroyed when seven years old. (c) Computer tapes and one record copy of reports are retained in OCC for three years, then transferred to WNRC, and offered to NARS when 20 years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Consumer Activities Division, Comptroller of the Currency, 490 L'Enfant Plaza SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Individuals may write or call the Director of Consumer Activities Division to obtain this information. They must provide their name, address, name of subject bank, complaint identification number, if available, and the approximate date. The requesting individual will only be provided an affirmative or negative answer. If additional information is requested, procedures under access must be followed.

**RECORD ACCESS PROCEDURES:**

Access to a record can be requested by writing to the Director of Communications, Comptroller of the Currency, 490 L'Enfant Plaza SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Decisions by the district offices can be appealed to the Director of Consumer Activities Division. Such an appeal is the final level of administrative action available to persons filing complaints.

**RECORD SOURCE CATEGORIES:**

The initial source is from the person filing a complaint against a national bank. Subsequent sources are from bank correspondence, bank files, or from reports based on on-site investigations.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Comptroller .012

**SYSTEM NAME:**

Freedom of Information Index and Log—Treasury/Comptroller.

**SYSTEM LOCATION:**

Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons making requests under the Freedom of Information Act (FOIA).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

List of names of persons making requests under the Freedom of Information Act.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1 and 12 U.S.C. 9, 5 U.S.C. 301.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Any party within or outside of the office of the Comptroller of the Currency or the Department of Treasury who wishes to review the Freedom of Information Act request log may do so by contacting or writing to the Director of Communications.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File cabinet.

**RETRIEVABILITY:**

Log is arranged by date of receipt of a Freedom of Information Act request; index is arranged alphabetically by name of requester.

**SAFEGUARDS:**

Unlocked file cabinet.

**RETENTION AND DISPOSAL:**

Records are updated periodically to reflect changes and are maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency Office where the record might be stored; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, date(s) of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Persons wishing to review the FOIA log/index should contact the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit requests to the Director, Communications at the above address.

**RECORD SOURCE CATEGORIES:**

Persons making requests under Freedom of Information Act.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Comptroller .013**

**SYSTEM NAME:**

Enforcement and Compliance Information System—Treasury/Comptroller.

**SYSTEM LOCATION:**

Comptroller of the Currency, Sixth Floor, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and entities involved in actual or suspected fraudulent activities, and bank directors, officers and shareholders named in administrative enforcement actions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information identifying the individual, describing the known or suspected criminal activity or enforcement action in which the individual is involved or named, giving the bank name and location, and where applicable, the law enforcement agency to which referred, date referred, indicating if a grand jury subpoena has been issued, indicating other action taken, and identifying the OCC attorney. The name of the individual is the only identifier used.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 481, 1818, 1820.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide the Department of Justice with periodic reports which indicate the number, place and individual identity of outstanding potential criminal violations of the law which have been referred to the Department. (b) To provide the Comptroller of the Currency's offices with statistical information and thereby enable it to respond to general information requests from the Congress. (c) To disclose information to foreign governments in accordance with formal or informal international agreements. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records will be maintained in general correspondence files, files of enforcement actions, in card files and on computer discs.

**RETRIEVABILITY:**

All records will be indexed by bank name and location. In addition, records on computer discs will be indexed by name of individual, known or suspected criminal code provision violated.

**SAFEGUARDS:**

Correspondence files are stored in the Comptroller's Central File room and may only be retrieved by authorized personnel. Enforcement files are accessible only to authorized personnel. Card files will be stored in lockable file cabinets. computer discs will be accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Enforcement and Compliance Division, Law Department, Comptroller of the Currency, 490 L'Enfant plaza, SW, Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

This system is exempt from notification requirements under 5 U.S.C. 552a (k)(2) of the Act as relating to investigatory material compiled for law enforcement purposes.

**RECORD ACCESS PROCEDURES:**

Same as notification above.

**CONTESTING RECORD PROCEDURES:**

Same as notification above.

**RECORD SOURCE CATEGORIES:**

Examinations of national banks by national bank examiners; investigations performed by agency attorneys and notifications from the Department of Justice, other Federal and State law enforcement agencies, and other Federal and State bank regulatory agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Components of this system have been designated as exempt from 5 U.S.C. 552a (j)(4). To the extent that the exemption under 5 U.S.C. 552a (j)(4) does not apply, the exemption under 5 U.S.C. 552a (k)(2) applies.



**Treasury/Comptroller .014****SYSTEM NAME:**

Investigation Files/Employee Reference File—Treasury/Comptroller.

**SYSTEM LOCATION:**

Comptroller of the Currency, Human Resources Division, 490 L'Enfant Plaza, SW, Washington, DC 20219.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of Comptroller of the Currency.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Compilation of material for a determination regarding Security Clearance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1 and 12 U.S.C. 9 / 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Locked steel file cabinets and a safe with combination lock.

**RETRIEVABILITY:**

Filed in alphabetical order.

**SAFEGUARDS:**

Combination locks are changed once a year and only security-cleared employees within the Human Resources Division have access.

**RETENTION AND DISPOSAL:**

Materials are retained for three months after employee leaves and the records are disposed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Comptroller for Resource Management, comptroller of the Currency, 490 L'Enfant plaza, SW, Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Director, Communications, 490 L'Enfant Plaza, SW, Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit requests to the Director, Communications at the above address.

**RECORD SOURCE CATEGORIES:**

The information contained in these records is provided by subject of the record—employers, co-workers, friends, neighbors and associates, and finances.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Portions of this system have been designated as exempt from certain provisions of the Privacy Act pursuant to 5 U.S.C. 552a (k)(5).

**Treasury/Comptroller .015****SYSTEM NAME:**

Chain Banking Organizations System—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW, Washington, DC 20219; 1211 Avenue of the Americas, Suite 4250, New York, NY 10036; Marquis One Tower, Suite 600, 245 peachtree Center Avenue N.E., Atlanta, GA 30303; Sears Tower, Suite 5750, 233 South Wacker Drive, Chicago, IL 60606; 2345 Grand Avenue, Suite 700, Kansas City, MO 64108; 1201 Elm Street, Suite 3800, Dallas, TX 75270; 50 Fremont Street, Suite 3900, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who directly, indirectly, or in concert with others, own and/or control a chain banking organization.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Chain Banking Organizations System consists of word processing and microprocessing programs which perform editing, updating and reporting functions on two types of data: (1) Name of an individual (or group of individuals acting in concert) that owns or controls a chain banking organization and (2) information concerning individual chain banks, such as; name, location, charter number, charter type, date of last examination, percentage of outstanding stock owned by controlling individual or group and, if applicable, name of intermediate holding entity and percentage of it held by controlling individual or group.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1, 12 U.S.C. 481, 12 U.S.C. 1817(j).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

The System may be used: (1) To disclose information about specific chain banking organizations to other financial institution supervisory authorities for: (a) Coordination of examining resources when the chain banking organization is composed of banks or financial institutions subject to multiple supervisory jurisdiction; (b) coordination of evaluations and analysis of the condition of the consolidated chain group; (c) coordination of supervisory, corrective or enforcement actions. (2) To disclose information to the extent provided by law or regulation and as necessary to report any apparent violations of law to appropriate law enforcement agencies. (3) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (4) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (5) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These records are maintained in a computer data base and on computer floppy disks or hard copy printouts stored in file cabinets.



**RETRIEVABILITY:**

All retrievable records are indexed by district location, state, alphabetically by surname of the individual(s) and/or entity controlling the chain banking organization.

**SAFEGUARDS:**

Access to records in electronic storage systems is restricted by user identification procedures and passwords which limit access to authorized employees of the Office. Computer disks and hard copy printouts will be stored in locked file cabinets when the Office is vacant.

**RETENTION AND DISPOSAL:**

Records are generally maintained in electronic storage disks in an on-line capacity until needed. Certain records are archived in off-line storage. All records, including those in printout form, are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Senior Deputy Comptroller for Bank Supervision Operations, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20019. District Offices—The Deputy Comptroller for each District is responsible for assuring the accuracy and routine maintenance of that portion of the System applicable to the district.

**NOTIFICATION PROCEDURE:**

Individuals who wish to be notified if they are named in the system shall submit a signed, written request to the appropriate District Office (or to the System Manager at the address listed). The request must contain: (1) The requestor's name and address; (2) the name of the system of records; and (3) the name and location of the bank(s) which they control individually or in concert with others.

In order to avoid excessive delay and unneeded correspondence, individuals requesting notification should simultaneously request access to records pertaining to them.

**RECORD ACCESS PROCEDURES:**

Portions of this system of records may be accessed under the Privacy Act for purposes of inspection by identified controlling individuals for the express purpose of verifying that their relationships are accurately recorded.

**CONTESTING RECORD PROCEDURES:**

Individuals who wish to contest a record in the system must submit a signed written request to the Senior Deputy Comptroller for Bank Supervision Operations, Office of the

Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20019.

The requests should contain: (1) The name and address of the individual contesting the record; (2) the name of the system of records; (3) the name and location of the chain bank(s) which they reportedly control individually or in concert with others; and (4) the specific information being contested and the reason for contesting (it is believed to be inaccurate, irrelevant, incomplete, etc.).

**RECORD SOURCE CATEGORIES:**

Information that identifies chain banking groups primarily is gathered from: (1) Examination reports and related materials; (2) regulatory filings; and (3) Change in Bank Control Notices filed pursuant to 12 U.S.C. 1817 (j).

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Comptroller .016

**SYSTEM NAME:**

Litigation Information System (LIS)—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20019.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

LIS will cover: (a) Individuals who file administrative or judicial claims against the OCC and/or officials or employees of the OCC in their capacity as such, against whom the OCC files claims, or who are parties to claims in which the OCC participates, but is not a party. (b) All other individuals, including actual or potential witnesses, involved in litigation brought by or against the OCC or in which the OCC participates as a nonparty.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

All records generated in connection with the litigation including evidentiary material, transcripts of testimony, documents prepared for administrative or judicial proceedings, correspondence, and staff memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1 and 481; 15 U.S.C. 5578c(a)(34), 781(i), 780-4.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information contained in these records may be used: (a) To provide the Department of Justice with pleadings,

memoranda, correspondence, litigation reports, and other documents that will assist it in the preparation of litigation involving the OCC. (b) To disclose information to the news media in accordance with guidelines contained in 28 CFR 50.2, which covers the release of information relating to civil and criminal proceedings. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or potential or actual witnesses in the course of discovery, in litigation or settlement negotiations, or in response to a subpoena, where relevant or potentially relevant to the proceeding. (d) To provide information or records to any other appropriate domestic or foreign governmental agency or self-regulatory organization charged with the responsibility of administering law or investigating or prosecuting violations of law or charged with enforcing or implementing statutes, rules, regulations or orders pursuant thereto. (e) To disclose information to bank and consumer groups. (f) To disclose information to any person with whom the OCC contracts to reproduce, by typing, photocopy or other means, any record within the system of records for use by the OCC and its staff in connection with their official duties or to any person who is utilized by the OCC to perform clerical or stenographic functions relating to the official business of the OCC.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records comprising this system are maintained in file folders kept in lockable file cabinets.

**RETRIEVABILITY:**

Access to the records is by name of the individual litigant(s).

**SAFEGUARDS:**

Records are accessible only to authorized personnel.

**RETENTION AND DISPOSAL:**

Records are updated periodically to reflect changes and are maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Litigation Division, Law Department, Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20019.



**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in the system or to gain access to records maintained in the system must submit a request containing the following elements: (1) Identity of the record system; (2) identity of the category and type of records sought; (3) the location of the Comptroller of the Currency office where the record might be stored; and (4) at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Submit requests to Director, Public Affairs, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit comments to Director, Public Affairs, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

**RECORD SOURCE CATEGORIES:**

Individuals who file claims against or otherwise are involved in legal proceedings with the OCC and/or an official or employee thereof in his or her capacity as such; communications and documents generated or received by the OCC, its officials or employees in the course of the legal proceedings; applications and other filings made with the OCC pursuant to law.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Comptroller .221

**SYSTEM NAME:**

Professional Qualifications Records for Municipal Securities Principals and Municipal Securities Representatives—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza East SW., Washington, DC 20219. Records stored in computerized files are maintained off-premises at the National Association of Securities Dealers, 1735 K Street NW., Washington, DC 20006.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are or seek to be associated with a municipal securities dealer which is a national or District of Columbia bank, or a department, division, or subsidiary of any such bank, in the capacity of municipal securities principals or municipal securities representatives.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain identifying information, detailed educational and occupational histories, certain professional qualifications, examination information, disciplinary histories, and information concerning the termination of employment of individuals covered by the system. Identifying information includes names, address history, date and place of birth, and may include Social Security number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 15B(c) (5), 17 and 23 of the Securities Exchange Act of 1934 [15 U.S.C. 78o-4(c) (5), 78q and 78w] and the general authority of the National Banking Laws, 12 U.S.C. 1 *et seq.*

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The information contained in these records may be subject to the following uses:

(a) Referral to the appropriate governmental authority, whether Federal, State, local, or foreign, or to the appropriate self-regulatory organization, of such information as may indicate a violation or potential violation of law, regulation or rule. (b) Referral to the appropriate court, magistrate, or administrative law judge of such information as may be relevant to proceedings before any such court or judicial officer. (c) Disclosure of such information as may aid in the resolution of any action or proceeding: (1) In which the Federal securities or banking laws are at issue; (2) In which the propriety of any disclosure of information contained in the system is at issue; or (3) To which the Comptroller of the Currency or a past or present member of its staff is a party or otherwise involved in an official capacity. (d) Disclosure to a Federal, State, local, or foreign governmental authority, or to a self-regulatory organization, of such information as may be necessary to obtain from such authority or organization additional information concerning the qualifications of an individual covered by the system. (e) Disclosure of such information as may be necessary to respond to a request from a Federal, State, local, or foreign governmental authority, or from a self-regulatory organization, for information needed in connection with the issuance of a license, granting of a benefit, or similar action by such authority or organization affecting an individual covered by the system. (f) Disclosure of such information as may be necessary to respond to any Congressional inquiry

undertaken at the request of an individual covered by the system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders and on magnetic media.

**RETRIEVABILITY:**

Records are indexed by name of individual.

**SAFEGUARDS:**

File folders are stored in lockable metal cabinets and computer memory discs are accessed only by Authorized Personnel.

**RETENTION AND DISPOSAL:**

Records are updated periodically to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Investment Securities Division, 490 L'Enfant Plaza East SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Inquiries, including name, date and place of birth, should be addressed to the System Manager. Inquirers may be required to include a notarized statement attesting to identity.

**RECORD ACCESS PROCEDURES:**

Same as notification procedure.

**CONTESTING RECORD PROCEDURES:**

Same as notification procedure.

**RECORD SOURCE CATEGORIES:**

Those individuals and municipal securities dealers described in the section entitled "Categories of Individuals Covered by the System," provide the bulk of the information in the system. Additional input is provided by Federal, State, local, and foreign governmental authorities, and by self-regulatory organizations, which regulate the securities industry.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Comptroller 300

**SYSTEM NAME:**

Administrative Personnel System—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219. Components of this system are geographically dispersed



throughout six (6) district offices. Contact District Offices for addresses of field offices within their jurisdiction. (See addresses listed in Appendix of OCC District Offices.)

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Employment related administrative records. This system contains internal control type information about employees. The type of records found within this system are: List of individuals who are issued drivers' licenses, building passes, credit or identification cards, parking permits, accountable property and travel documents; lists of individuals who perform specialized duties (building wardens, relocation teams, safety officers, and civil defense officers); reports about individuals who are involved in accidents while employed.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system may be disclosed as a routine use to: (1) The Office of Personnel Management (OPM) for the purpose of complying with regulations issued by the OPM; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by the GSA; and (3) the Department of Labor for the purpose of investigating claims for work related injuries.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

File folders, magnetic tape, lists and forms.

##### RETRIEVABILITY:

Records are retrieved primarily by name (filed alphabetically by category of records); secondary identifiers are used to assure accuracy (date of birth, social security number or employee identification number).

##### SAFEGUARDS:

Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.

#### RETENTION AND DISPOSAL:

Personnel-type records are retained for thirty (30) days after termination. All other records are retained and destroyed in accordance with published disposition and retention schedules. Individuals wishing more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

#### SYSTEM MANAGER(S) AND ADDRESS:

Deputy Comptroller for Resource Management, 490 L'Enfant Plaza, SW., Washington, DC 20219.

#### NOTIFICATION PROCEDURE:

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

#### RECORD ACCESS PROCEDURES:

Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

#### CONTESTING RECORD PROCEDURES:

Submit requests to the Director, Communications at the above address.

#### RECORD SOURCE CATEGORIES:

The information in these records was provided by or verified by the subject of the record, employers and co-workers.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Comptroller 310

#### SYSTEM NAME:

Fiscal Personnel System—Treasury/Comptroller.

#### SYSTEM LOCATION:

Office of the Comptroller of the Currency, Finance and Planning Division, 490 L'Enfant Plaza, SW., Washington, DC 20219. Components of this system are geographically dispersed throughout six (6) district offices. (See addresses listed in Appendix of OCC District Offices.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past employees.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system is typically identified as payroll or disbursement type records and contains information about employees. The types of records found within this System are: Award, allowance, salary, fund advancement justification and disbursement records; personnel information; leave information; payroll deductions for taxes, life and health insurance, financial institutions, retirement funds and charitable groups.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record in this system may be disclosed as a routine use to: (1) The Office of Personnel Management (OPM) for the purpose of complying with regulations issued by the OPM; (2) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (3) the General Accounting Office for the purpose of conducting audits; and (4) entities designated to receive payroll deductions, to grant insurance agencies for the purpose of determining eligibility for unemployment benefits, related to delinquent taxes; and (5) in judicial proceedings, garnishment wages for child support or alimony.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

File folders, magnetic media and reports. Disbursement records are stored at the Federal Records Center.

##### RETRIEVABILITY:

Records are retrieved primarily by name (filed alphabetically), secondary identifiers are used to assure accuracy (date of birth, Social Security number, or employee identification number).

##### SAFEGUARDS:

Records are stored in lockable cabinets or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures.



**RETENTION AND DISPOSAL:**

Personnel-type records are retained for 30 days after termination. Disbursement records are retained indefinitely. Individuals wishing more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Comptroller for Systems and Financial Management, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system or gain access to records maintained in this system must submit a request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed; and (4) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Submit request to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit request to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**RECORD SOURCE CATEGORIES:**

The information contained in these records was provided by or verified by the subject of the record, employers and co-workers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Comptroller 320

**SYSTEM NAME:**

General Personnel System—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219. Components of this system are geographically dispersed throughout six (6) District Offices. (See addresses listed in Appendix of OCC District Offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past employees and applicants for employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employment related biographical and performance material. This category of records is typically identified as personnel type records and contains data about employees and applicants. The records found within this category include: Performance evaluations; educational, employment, medical and military histories; employee benefit applications, forms and claims; travel and relocation claims; locator and emergency contact information; dependent and beneficiary information; physical and qualification descriptions; financial interest statements; personal and family assets, liabilities and other interests in business enterprises.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

General authority—12 U.S.C. 1 and 9, 5 U.S.C. 301. Specific authority is derived from a number of laws, regulations and Executive Orders. Individuals wishing to obtain more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

A record in this system may be disclosed as a routine use to: (1) The Office of Personnel Management (OPM) for the purpose of complying with regulations issued by the OPM; (2) the Veterans Administration (VA) for the purposes of determining veterans preference and pension benefits; (3) the Equal Employment Opportunity Commission for the purpose of providing minority information and case reports; (4) respond to requests from labor organizations for names of employees and identifying information; (5) the Department of Labor for the purpose of reporting health and safety matters; (6) the General Services Administration (GSA) for the purpose of complying with regulations issued by GSA; (7) the Merit Systems Protection Board for the purpose of providing necessary information relating to employee appeals; (8) the Department of Labor to provide information relative to Unemployment Compensation and OWCP claims.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders, magnetic media, microfiche, printouts, lists and forms.

**RETRIEVABILITY:**

Records are retrieved primarily by name (filed alphabetically by category of records). Secondary identifiers are used to assure accuracy (date of birth, Social Security number or employee identification number).

**SAFEGUARDS:**

Records are stored in lockable cabinets, electronic data bases requiring security access codes or secure rooms; access is limited to officials who have a need for the information; employees are trained to make only authorized disclosures. Records maintained with vendors are under contractual obligation to maintain confidentiality.

**RETENTION AND DISPOSAL:**

Most personnel-type records are retained for thirty (30) days after termination, at which time they are transferred to the Federal Records Center or destroyed. Some records are retained for varying periods of time in accordance with Federal Personnel Manual Regulations. Individuals wishing more detailed information should write to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Comptroller for Resource Management, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements:

- (1) Identify the record system; (2) Identify the category and type of records sought; (3) Indicate the location of the Comptroller of the Currency office where last employed or where application for employment was made; (4) Provide at least two secondary identifications (date of birth, employee identification number, dates of employment or similar information).

**RECORD ACCESS PROCEDURES:**

Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**CONTESTING RECORD PROCEDURES:**

Submit requests to the Director, Communications, 490 L'Enfant Plaza, SW., Washington, DC 20219.

**RECORD SOURCE CATEGORIES:**

The information contained in these records was provided or verified by the



subject of the record, employers, co-workers, friends, neighbors and associates listed as references, financial and educational institutions.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Comptroller 500**

**SYSTEM NAME:**

Chief Counsel's Management Information System—Treasury/Comptroller.

**SYSTEM LOCATION:**

Office of the Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219. Physical components of this system are also located in regional offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have requested information or action from the Law Department of the Comptroller of the Currency and individuals referenced in documents received by the Law Department in the course of the Agency's bank supervisory functions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The Chief Counsel's Management Information System consists of four primary modules: (1) The Work Assignment Control module; (2) The Case Tracking module; (3) The Litigation Support module; and (4) The Legal Research module. Information contained in the system includes, inter alia, name of the author and/or correspondent and the organization to which the author/correspondent belongs, the date of the correspondence, the city, state and region in which correspondent organization is located, the work type, the bank involved, and the subject.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

12 U.S.C. 1, 12 U.S.C. 9, 12 U.S.C. 481, 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency,

maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in computer data banks, computer tapes and printouts, and in file cabinets.

**RETRIEVABILITY:**

All records are indexed on a variety of data fields including correspondent name and location, bank name and location, subject, statutory provisions, and date.

**SAFEGUARDS:**

All records are indexed through computer indices. Only employees within the Law Department with proper user identification and passwords have access to the computer banks. Employees are trained to make authorized disclosures only to those individuals who have a need for the information. Passwords and user IDs are changed frequently.

**RETENTION AND DISPOSAL:**

Records are generally maintained in the on-line data bank until it is determined that on-line access is not required. Thereafter the records are archived in an off-line storage system. Records in file cabinets are maintained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Executive Assistant to the Chief Counsel, Comptroller of the Currency, 490 L'Enfant Plaza, SW., Washington, DC 20219, (202)447-1896.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in the system or to gain access to records maintained in the system must submit a request containing the following elements:

(1) Identity of the record system; (2) identity of the category type of records sought; (3) the location of the Comptroller of the Currency Office where the record might be stored; and (4) at least two items of secondary identification (date of birth, employee identification number, dates of employment, or similar information). The system contains records which are exempt under 5 U.S.C. 552a(j)(2) or 552a(k)(2).

**RECORD ACCESS PROCEDURES:**

Same as Notification.

**CONTESTING RECORD PROCEDURES:**

Same as Notification. Requests should be submitted to:

Director, Public Affairs, Comptroller of the Currency, 490 L'Enfant plaza, SW., Washington, DC 20219.

**RECORD SOURCE CATEGORIES:**

Materials received by the Law Department from various sources including, inter alia, persons involved in sending inquiries to the Law Department and documents received by the Law Department in the course of the Agency's bank supervisory function. The Chief Counsel's Management Information System contains certain records which have been designated as exempt from certain provisions of the Privacy Act.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3)(4), (d)(1)(2)(3)(4), (e)(1)(2)(3)(4), (G), (H), and (I), (e) (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

**Treasury/Customs .001**

**SYSTEM NAME:**

Acceptable Level of Competence. Negative Determination—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Human Resources, U.S. Customs Service, Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any employee of U.S. Customs Service, who receives a negative determination regarding acceptable level of competence.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee's name, Social Security number, position description, grade, and correspondence containing specific reasons for negative determination.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used:

(1) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders and stored in locked file cabinets.

**RETRIEVABILITY:**

The records are filed by the individual's name.

**SAFEGUARDS:**

Direct access is limited to the employees of the Office of Human Resources. Stored in locked cabinets.

**RETENTION AND DISPOSAL:**

Records are retained until the employee leaves the Customs Service.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Labor Employee Relations Division, Office of Human Resources, U.S. Customs Service, Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

Correspondence with systems manager.

**RECORD ACCESS PROCEDURES:**

Correspondence with systems manager.

**CONTESTING RECORD PROCEDURES:**

Correspondence with systems manager.

**RECORD SOURCE CATEGORIES:**

Information is furnished by the employee, employee's supervisor and the Federal Employee Appeals Authority.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .002

**SYSTEM NAME:**

Accident Reports—Treasury/Customs.

**SYSTEM LOCATION:**

Logistics Management Division, Southeast Region, 99 S.E. 5th Street, Miami, FL 33131; Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any employee of Southeast Region who has had an accident on Government property or in an official vehicle since 1973.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Standard Government forms dealing with accidents and personal injuries.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. Executive Order 11807 and Section 19 of Occupational Health & Safety Act of 1970; 5 U.S.C. 8101–8150, 8191–8193.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to employee's beneficiary in event of death following the accident or injury or to employee's agent in case of disability.

(b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case folder is maintained in an unlocked drawer in chronological order by date.

**RETRIEVABILITY:**

Each case is identified by employee name and date of accident.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Logistics Management Division within the Southeast Region Headquarters Building. During non-working hours the room in which the metal container is located is locked.

**RETENTION AND DISPOSAL:**

Accident Record files are retained in accordance with the Records Disposal Manual.



**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Logistics Management Division, Southeast Region, Headquarters, 99 SE 5th Street; Logistics Management Specialist, Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information originates with employees who have been injured and/or have been involved in accidents during the exercise of their official duties. Also included are witness reports and statements, the employees' supervisors' statements and doctors' reports.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .005

**SYSTEM NAME:**

Accounts Receivable Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110; Financial Management Division, District and Ports, 99 SE 5th Street, Miami, FL 33131; U.S. Customs Service, Financial Management Division, Increase and Refund Section, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons owing money for Customs duties and services and money owed to persons for overpayment of excessive duties and services.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence and documentation of telephone calls with debtors and creditors or their representatives.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

- (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.
- (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Data is stored in file folders which are contained in an unlocked metal file cabinet.

**RETRIEVABILITY:**

The file is retrieved by the name of the individual which is kept in alphabetical order within the work area of the Collection Section.

**SAFEGUARDS:**

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The file is retained until collection or refund is effected and two (2) years thereafter, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110; Director of Financial Management, 99 SE 5th Street, Miami, FL 33131; Regional Commissioner, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Financial Management Division, U.S. Customs Service, South Central Region, 1448 Canal Street, New Orleans, LA 70112.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in the system is obtained from data gathered from the automated billing system and ports of entry.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .009

**SYSTEM NAME:**

Acting Customs Inspector (Excepted) Treasury/Customs.

**SYSTEM LOCATION:**

Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, IL 60603, and Offices of the District Directors, North Central Region, Chicago, IL; Inspection and Control Division, U.S. Customs Service, Southwest Region, 500 Dallas Street, Suite 1240, Houston, TX 77002; Office of the District Director, San Diego, CA; Offices of the Port Directors, San Ysidro, CA; Calexico, CA; Tecate, CA; Andrade, CA; San Diego Barge Office; U.S. Customhouse, P.O. Box 111, District Director's Office, St. Albans, VT 05478.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees or members of other Federal agencies who are designated by the District Directors as Customs Inspectors (Excepted).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

System has name, Social Security number, rank or grade and duty station of the individual.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

- (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.
- (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

CF 55 forms kept in manila folders in file cabinet.

**RETRIEVABILITY:**

Filed alphabetically.



**SAFEGUARDS:**

During non-working hours the offices and/or buildings in which records are located are locked.

**RETENTION AND DISPOSAL:**

Until individual transfers or designation is cancelled. Form is then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division; North Central Region, 55 E. Monroe Street, Chicago, IL 60603; Director, Inspection and Control Division, U.S. Customs Service, Southwest Region, 500 Dallas, Suite 1240, Houston, TX 77002; District Director, Port Directors, and Division Directors, within the San Diego Customs District (see Appendix A.); District Director, U.S. Customs Service, St. Albans, VT 05478, District Director, P.O. Box 2112, San Juan, PR 00903.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is supplied by the individual and his or her agency.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .014

**SYSTEM NAME:**

Advice Requests (Legal) (Pacific Region)—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are the subject of any request for legal advice by another office within Customs, another Government agency, or the private individual himself. An example would be a request by a District Director for advice as to whether or not a violation of a Customs law for which a penalty may be assessed has occurred.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Intra-agency or inter-agency memoranda and reports of investigation and other documents submitted by the requesting office for use in handling the request. Correspondence from the private individual submitting the request.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the individual who is the subject of the request and in the alphabetical file folder within the metal file cabinet by the name of the individual who is the subject of the request.

**SAFEGUARDS:**

The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

Request for legal advice files are retained until there is no longer any space available for them within the metal file cabinet, at which time files are transferred to the Federal Record Center or destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, 211 Main Street, San Francisco, CA 94105.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information comes from the memoranda or correspondence from the office or individual requesting the advice and from any supporting documents that office or individual may transmit.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .021

**SYSTEM NAME:**

Arrest/Seizure/Search Report and Notice of penalty File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the District Director of Customs, Room 228, United States Customs Service, 335 Merchant Street, Honolulu, HI 96813.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are suspected of attempting to smuggle, or have smuggled, merchandise or contraband into the United States; individuals who have undervalued merchandise upon entry into the United States; vessels and aircraft which have been found to be in violation of Customs laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names of individuals, vessels, aircraft; identifying factors; nature of violation or suspected violation;



circumstances surrounding violation or suspected violation; date and place of violation or suspected violation; and on-site disposition actions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each report is assigned a case number and filed accordingly in a locked, metal file located in the Office of the District Director.

**RETRIEVABILITY:**

Each report is identified in a manual alphabetical card file by the name of the individual, vessel or aircraft.

**SAFEGUARDS:**

In addition to being stored in a locked metal cabinet, these records are located in a locked room, the keys of which are

controlled and issued only to authorized personnel.

**RETENTION AND DISPOSAL:**

These records are retained for one year (1) or until action has been completed.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director of Customs, U.S. Customs Service, Post Office Box 1641, Honolulu, HI 96806.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/Customs .022**

**SYSTEM NAME:**

Attorney Case File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Regional Counsel of Customs, 10 Causeway Street, Boston, MA 02222.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are subject of adverse actions, equal employment opportunity complaints, unfair labor practice complaints, and grievances; individuals who are the subject of Customs license or other administrative revocation or suspension proceedings; individuals who are the subject of or have requested legal advice from the Office of Regional Counsel; and individuals requesting access to information pursuant to any statute, regulation, directive, or policy to disclose such information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records maintained in the system are personnel actions; administrative revocation or suspension proceedings; intra-agency or inter-agency memoranda, reports of investigation, and other documents relating to the request for legal advice; requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding the disclosure of information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 5 U.S.C. 552; 31 CFR Part 1; 19 CFR Part 103.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records maintained in file folders.

**RETRIEVABILITY:**

Records indexed by name of individual involved in the particular matter generating the file.

**SAFEGUARDS:**

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and his staff only.

**RETENTION AND DISPOSAL:**

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are



transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel of Customs, 10 Causeway Street, Boston, MA 02222.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files is received from U.S. Customs employees, reports of investigation, Customs penalty case files, other Government agencies, parties involved in litigation, administrative proceedings regarding disciplinary action taken against Customs Service employees, Equal Opportunity complaints, unfair labor practice complaints, parties involved in administrative revocation or suspension proceedings, individuals or employees requesting legal advice, and from the parties requesting disclosure of information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .028

**SYSTEM NAME:**

Baggage Declaration—Treasury/Customs

**SYSTEM LOCATION:**

Located at the District and Port Directors' offices in Northeast Region.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons required to make a written baggage declaration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, items declared and value.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication

of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders in file cabinet.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Available to authorized Customs personnel only.

**RETENTION AND DISPOSAL:**

Free entry declarations are retained for three (3) years then destroyed. Dutiable declarations are retained for three years at the port, seven years at the Federal Record Center, and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

District and Port Directors.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A. Contesting record procedures: See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The individual who files the baggage declaration.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .030

**SYSTEM NAME:**

Bankrupt Parties-in-Interest—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service, Director, National Finance Center, P.O. Box 68907, Indianapolis, Indiana 46268

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals indebted to U.S. Customs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listed by name, address, port of service, bill number, and dollar amount of delinquent receivables.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Pub. L. 89-508, the "Federal Claims Collection Act of 1966," 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines



contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Cases are maintained in file folders at work site.

**RETRIEVABILITY:**

Alphabetical order by name.

**SAFEGUARDS:**

These cases are placed in locked cabinets during non-working hours. The building is guarded by uniformed security police.

**RETENTION AND DISPOSAL:**

As satisfaction is received, cases are closed. Records are maintained per Records Control Manual FIS-4 No. 124.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, 500 Dallas St., Suite 1265, Houston, TX 77002.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The source of information is obtained from individuals, bankruptcy courts, Customhouse brokers, and sureties.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .031

**SYSTEM NAME:**

Bills Issued Files—Treasury/Customs.

**SYSTEM LOCATION:**

Director, U.S. Customs, National Finance Center, P.O. Box 68907.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals to whom bills have been issued.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence received from or sent to individuals in relation to bills issued by the United States Customs Service.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Individual alphabetical file folders in file cabinet.

**RETRIEVABILITY:**

Access by name of individual.

**SAFEGUARDS:**

The file cabinet is maintained in the offices of the Regional Commissioner, North Central Region, Chicago, IL. During non-working hours the room/building in which the file is located is locked. Access is limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Correspondence is maintained for a period of three (3) years then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, U.S. Customs, National Finance Center, P.O. Box 68907, Indianapolis, Indiana 46268.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information consists of copies of letters or memoranda issued to or received from individuals. Records of phone calls and copies of documents related to the individual's transaction.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .032

**SYSTEM NAME:**

Biographical Files (Headquarters)—Treasury/Customs.

**SYSTEM LOCATION:**

Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, and the Regional Public Information offices located at the addresses listed in Customs Appendix A.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

General biographical records are maintained on all Customs employees for news release and public information purposes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

General biographical information including home address, date and place of birth, educational background, work experience, honors and awards, hobbies, and other information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the



record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Information is maintained in file cabinets in the Public Information Division at Customs Headquarters.

**RETRIEVABILITY:**

File folders are identified by the name of the person and are filed in alphabetical order.

**SAFEGUARDS:**

The office in which the records are located is locked during non-working hours and the building is guarded by uniformed guards.

**RETENTION AND DISPOSAL:**

Files are retained during the individual's tenure as an employee of the Customs Service, after which the files are destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Public Information Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The individual involved, Customs personnel officers and co-workers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .037

**SYSTEM NAME:**

Cargo Security File—Treasury/Customs.

**SYSTEM LOCATION:**

Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, OH 44114.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Longshoremen, Customs Bonded Warehouse employees, licensed Cartmen employees and other persons having access to cargo.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names, place of employment, residence, criminal records, date of birth, Social Security numbers, photographs, descriptions and other identifying data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in loose-leaf binders and cross indexed index cards showing license numbers are kept in a metal box. They are kept in the communications room for rapid access.

**RETRIEVABILITY:**

Names of companies and individuals can be retrieved by checking the loose-

leaf binders kept in an alphabetical listing. License plate numbers are listed in numerical sequence on index cards.

**SAFEGUARDS:**

The records are kept in a room within the office which is locked when not in use. Keys are available only to employees, and are not accessible to persons other than employees. Employees having access to the room have received a security background investigation and clearance. The offices are located in buildings with guards, and admittance is controlled by sign-in, sign-out sheets after regular hours.

**RETENTION AND DISPOSAL:**

Information remains in the system until no longer needed. The records are disposed of by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Special Agent in Charge, Room 350, Patrick V. McNamara Building, 477 Michigan Avenue, Detroit, MI 48226; Special Agent in Charge, Room 210, 55 Erieview Plaza, Cleveland, OH 44114.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and (k)(2).

Treasury/Customs .040

**SYSTEM NAME:**

Carrier File—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Office of the District Director, Terminal Island, San Pedro, CA; Office of the District Director, San Diego, CA; Offices of the Port Directors, Los Angeles International Airport, Los Angeles, CA; Room 130, U.S. Customhouse, Terrace and International Streets, Nogales, AZ, 85621; San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office; and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; see Customs Appendix A.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Officers or owners, employees, associates of Customs Bonded Carriers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, date of birth, Social Security number, place of birth and other information relating to Officers, Associates, employees, etc., of Bonded Carriers.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended, and the Customs Regulations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Manila folder in file cabinet.

**RETRIEVABILITY:**

Filed by name of company or individual.

**SAFEGUARDS:**

Building locked during non-working hours.

**RETENTION AND DISPOSAL:**

Records retained until obsolete, then destroyed by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, Port Directors, and Division Directors within the San Diego Customs District; District Director, Terminal Island, San Pedro, CA, and Port Director, Los Angeles International Airport, Los Angeles District; District Director, U.S. Customhouse, Nogales, AZ 85621. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Customs Bonded Carriers' employees and correspondence.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .041****SYSTEM NAME:**

Cartmen or Lightermen—Treasury/Customs.

**SYSTEM LOCATION:**

Customs ports, districts, and regional offices. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and firms who have applied for or hold a license as a bonded cartman or lighterman and individuals employed by cartman or lightermen.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Internal Customs Service memoranda and related materials regarding applications for licenses and identification cards, reports of investigations for approving these licenses and identification cards and card files showing outstanding identification cards and their location. Files also include fingerprint cards.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of

civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The information in this system is contained in a metal file cabinet in the office maintaining the system, or on magnetic disc.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the licensed cartman or lighterman and in the alphabetical file folder by the name of the licensed cartman or lighterman. Each employee's record is filed in a manual alphabetical card file crossreferenced with company names.

**SAFEGUARDS:**

The file is placed in a metal file cabinet at the work site. At locations where work is not performed on a 24-hour basis the work area is locked and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

Files are reviewed at least once a year at which time cancelled I.D. cards may be removed. Closed CF 3078's may also be removed, but normally are held for approximately three years in case a new application is received from the same company or transferred to another company after a new investigation.

**SYSTEM MANAGER(S) AND ADDRESS:**

Port Directors, District Directors, and Regional Commissioners of the U.S. Customs Service. (See Customs Appendix A.)



**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .042

**SYSTEM NAME:**

Case and Complaint File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual initiating a court case or against whom a court case is brought; any individual involved in a personnel action, either initiating a grievance, discrimination complaint, or unfair labor practice complaint against the U.S. Customs Service or against whom a disciplinary or other adverse action is initiated; claimants or potential claimants under the Federal Tort Claim Act; individuals involved in accidents with U.S. Customs Service employees; U.S. Customs Service employees involved in accidents; persons seeking relief from fines, penalties and forfeitures and restoration of proceeds from the sale of seized and forfeited property; requesters under the Freedom of Information Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The System contains the individual's name, the type of case, the uniform filing guide number, the Regional Counsel's office file number, by whom the matter was referred, the district where the action originated, if applicable.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (b) To provide information to unions recognized as exclusive bargaining representatives under the

Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each alphabetical card is inserted in a metal file drawer

**RETRIEVABILITY:**

Each card is identified alphabetically by the individual's name described in Category of Individual and the filing is alphabetically used by last name.

**SAFEGUARDS:**

The metal filing drawer containing the alphabetical cards described above is maintained within the area assigned to the Office of the Regional Counsel, North Central Region at 55 E. Monroe Street, Chicago, IL 60603. During non-working hours, the room in which the metal filing drawer is located is locked and access to the building is controlled at all times by uniformed guards with a check-in system for employees. Only employees of the Regional Counsel's office and authorized building personnel have keys to the building.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer space available for them within the metal filing drawer at which time the oldest cards for closed files will be transferred to the storage area within the confines of the office. The storage area is a large area containing cardboard boxes and metal storage cabinets, unable to be locked.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel of Customs, Room 1417, United States Customs Service, 55 E. Monroe Street, Chicago, IL 60603.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained on these cards originates with the initiation of any action by an individual which is channeled through the Regional Counsel's office. Additional information is identifying information for locating the particular case file relating to the court case, personnel action, tort claim, relief petition, or request under the Freedom of Information Act.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .043

**SYSTEM NAME:**

Case Files (Regional Counsel—South Central Region)—Treasury/Customs.

**SYSTEM LOCATION:**

The system is located at 1440 Canal Street, New Orleans, LA 70112, Office of the Regional Counsel, South Central Region, United States Customs Service.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) The first category of individuals on whom records are maintained in the system includes employees who have filed adverse actions, equal employment opportunity complaints, and grievances within the South Central Region; employees who have filed tort claims under the Military Personnel and Civilian Employees Act; employees of the Regional Counsel's staff with regard to travel, training, evaluations, and other related personnel records; and applications for employment submitted to the Office of the Regional Counsel by prospective employees; (2) The second category of individuals on whom records are maintained in the system includes those individuals not employed by the agency who have filed equal employment opportunity complaints; tort claims under the Federal Tort Claims Act; tort claims filed under the Small Claims Act; individuals who have outstanding Customs bills submitted for collection; individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions on fines, penalties, and forfeitures within the South Central Region; files relating to individuals, corporations, partnerships, and proprietorships upon whom criminal case reports are prepared pending litigation and prosecution for violation of 19 U.S.C. 1305, 18 U.S.C. 542, 18 U.S.C. 545, 18 U.S.C. 549, 18 U.S.C. 1001, 18 U.S.C. 496, and 18 U.S.C. 371; on individuals, corporations, partnerships, and proprietorships who have filed supplemental petitions submitted in civil and technical violations for 19 U.S.C. 1592, 19 U.S.C. 1453, 19 U.S.C. 1448, 19 U.S.C. 1584, irregular deliveries, shortages and overages; and miscellaneous civil and technical violations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records maintained in the system are personnel actions; tort claims; collection efforts; supplemental



petitions for fines, penalties, and forfeitures cases in the South Central Region; criminal case reports for pending litigation and prosecution of cases in the South Central Region; supplemental petitions for civil and technical violations committed within the South Central Region; and employment applications for positions in the Office of the Regional Counsel, South Central Region.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are currently maintained in alphabetical file folders which are filed in two steel filing cabinets in the office of the Regional Counsel, South Central Region, and they are maintained

under lock and key outside the ordinary business hours.

**RETRIEVABILITY:**

Records maintained by the Office of the Regional Counsel, South Central Region, are retrievable by identifying the character of the record (i.e., adverse action, grievance, tort claim, criminal case), then by comparable statute or regulation, and then alphabetically by name and identifier. In addition, each case file is similarly identified on the alphabetical file folder within the steel filing cabinet.

**SAFEGUARDS:**

(a) The steel filing cabinets described above are maintained within the area assigned to the Office of the Regional Counsel, 1440 Canal Street, New Orleans, LA 70112. During non-working hours the room in which the locked steel cabinets are located is locked, and access to the building is controlled at all times by uniformed guards; (b) The policies and practices of the Office of the Regional Counsel regarding access controls are that only members of the staff of the Office of the Regional Counsel have access to the records maintained by the office.

**RETENTION AND DISPOSAL:**

Individual records are placed into a file of closed cases by category as stated above, and within each category by name. The oldest closed cases are forwarded to the Federal Records Center in accordance with the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

The agency official responsible for the system of records maintained by the Office of the Regional Counsel is the Regional Counsel, South Central Region, United States Customs Service, 1440 Canal Street, New Orleans, LA 70112.

**NOTIFICATION PROCEDURE:**

See Appendix A.

**RECORD SOURCE CATEGORIES:**

The categories of sources of records in this system are the individual himself and files compiled by the United States Customs Services by using employers, other government agency resources, financial institutions, educational institutions attended, and previous employers. Additional information in these files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes, administrative proceedings regarding disciplinary action taken against Customs Service employees, equal opportunity complaints, investigations of tort claims, the processing of

interoffice memoranda information requested under the Freedom of Information Act, and the investigation regarding the collection of debts due the Government.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .044

**SYSTEM NAME:**

Certificates of Clearance—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees of the Northeast Region, Boston, MA, who have transferred, retired or resigned.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documented detailed information on an "in-house" prepared form indicating that the employee has returned all Government property in his personal possession and that the employee has cleared all debts owing to Customs such as unearned uniform allowances and travel advances.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data is stored in file folders by District and name of employee in a metal file cabinet in the work area of the Payment Section.



**RETRIEVABILITY:**

The file is retrievable by District and name of employee.

**SAFEGUARDS:**

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The files are kept for 10 years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in the system originates at the District where the individual is employed.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .045

**SYSTEM NAME:**

Claims Act File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former Customs employees who have filed, or may file claims under the Military Personnel and Civilian Employees' Claim Act of 1964 for damage to or loss of personal property incident to their service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 240-243; 31 CFR part 4; Treasury Department Administrative Circular No. 131, August 19, 1965.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case file is inserted numerically in a file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified numerically in the file folder within the metal container by the name of the person who has filed or may file a claim.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the New Federal Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained indefinitely or until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with a Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be

separately provided by the claimant or by the claimant's supervisor. Where a claim is not filed, the information is limited to the investigative reports of damage to or loss of personal property of a Customs employee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .046

**SYSTEM NAME:**

Claims Case File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Regional Counsel of Customs, 10 Causeway Street, Boston, MA 02222; Office of the District Counsel of Customs, 55 Battery Street, San Francisco, CA 94126; Office of the Regional Counsel of Customs, Suite 550, 5850 San Felipe Street, Houston, TX 77057.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Parties who have filed claims for damage or injury against the Government, or against whom the Government has a claim for damage or injury in matters which affect or involve the U.S. Customs Service; private individuals or Government employees who are involved in the incident which gave rise to the claim.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports relative to the circumstances of the claim (including accident reports provided by Customs personnel, agents' investigative reports, correspondence between Customs and the claimant or his representative); reports relative to an individual's ability to pay a claim for damages.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C. 2672 et seq.; 28 CFR Part 14; 31 CFR Part 3; 5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or



regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records maintained in file folders.

**RETRIEVABILITY:**

Records indexed by name of individual making a claim or against whom a claim is made, cross-referenced file with name of Government employee, if any, involved.

**SAFEGUARDS:**

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked cabinet with keys retained by Regional Counsel and staff only.

**RETENTION AND DISPOSAL:**

Retained until there is no longer any space available within metal cabinets, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel of Customs, 10 Causeway Street, Boston, MA 02222; District Counsel of Customs, 55 Battery Street, San Francisco, CA 94120; Regional Counsel of Customs, Suite 550, 5850 San Felipe Street, Houston, TX 77057.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files is received from U.S. Customs employees, reports of investigation, credit checks, private individuals involved in the claims, other Government agencies and other individuals with pertinent information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

**Treasury/Customs .049**

**SYSTEM NAME:**

Claims (Receivable and Payable)—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have presented claims for payments by Customs or one involved in debts due Customs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documented detailed information concerning the claims or debts involved in each case and related financial data on individuals involved in the debt or claim.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data is stored in file folders maintained in a metal file cabinet under the physical security of the Chief, Accounting Branch of the Financial Management Division.

**RETRIEVABILITY:**

The file is retrieved by the name of the individual on subject matter.

**SAFEGUARDS:**

The files are located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The files on unusual cases are kept as long as needed or reference; routine cases are destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in the system is obtained from the Personnel Department and the Payroll Data Center.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .050**

**SYSTEM NAME:**

Community Leader Survey—Treasury/Customs.

**SYSTEM LOCATION:**

Equal Employment Opportunity Officer, U.S. Customs Service, Southwest Region, 500 Dallas Street, Suite 1240, Houston, TX 77002.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The names, titles, and organization of persons who may be construed to be occupying a community leadership role and who may be in a position to furnish information or have some influence in regard to the equal employment opportunity program area.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records consist of a card index of the names, titles, and organization of community leaders.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

An alphabetical card listing filed in a metal file cabinet.

**RETRIEVABILITY:**

Listed and filed alphabetically.

**SAFEGUARDS:**

The metal file cabinet described above is maintained within the area assigned to the Equal Employment Opportunity Officer. During non-working hours this office area is locked and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

To be useful, this information file must be kept current. Non-current files will be destroyed locally.

**SYSTEM MANAGER(S) AND ADDRESS:**

Equal Employment Opportunity Officer, U.S. Customs Service, Southwest Region, 500 Dallas Street, Suite 1240, Houston, TX 77002.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information included in these files is developed from local agencies (city, county, state, and Federal) and from local civic organizations.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .051****SYSTEM NAME:**

Complaints Against Customs Personnel—Treasury/Customs.

**SYSTEM LOCATION:**

Director, District Patrol Division, 600 South Street, New Orleans, LA 70130; Director, District Patrol Division, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past employees of the Patrol Division and U.S. Customs Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters and official government memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Reorganization Plan No. 1 of 1950; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal

proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The information in this system is contained in file folders and stored in locked metal cabinets.

**RETRIEVABILITY:**

File folders for this system are filed according to Customs filing code system.

**SAFEGUARDS:**

File is maintained in locked, metal file cabinet, the keys of which are controlled by the custodian of the files. Those departmental officials who may occasionally be granted access consistent with their positions have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

**RETENTION AND DISPOSAL:**

Complaints against Customs Personnel files are normally destroyed by shredding after one (1) year. If there are any pending complaints, the file may be kept until the case is closed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, District Patrol Division, 600 South Street, New Orleans, LA 70130.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates from any Federal, state or local law enforcement agencies or individuals, from any private business or individuals who may have any complaints against Customs personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .053****SYSTEM NAME:**

Confidential Source Identification File—Treasury/Customs.



**SYSTEM LOCATION:**

Components of this system are located in the Office of Enforcement, U.S. Customs Service Headquarters, and the Office of Internal Affairs, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals (sources) supplying confidential information to the U.S. Customs Service, Office of Enforcement and Office of Internal Affairs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains some or all of the following information: Name (actual or assumed), source (identifying) number, date number assigned, address, citizenship, occupational information, date and place of birth, physical description, photograph, miscellaneous identifying number such as Social Security number, driver's license number, FBI number, passport number, Customs Form 4621 documenting information received from confidential source, amount and date of monetary payment made to source for information supplied, criminal record, copy of driver's license, and copy of alien registration card.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1619; and 18 U.S.C. Chapter 27.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are kept in locked cabinets. Access during working hours is limited to authorized personnel.

**RETRIEVABILITY:**

Office of Enforcement and Office of Internal Affairs—The name of each source is filed in both alphabetical order and by location of the submitting office.

**SAFEGUARDS:**

In addition to being stored in secure metal cabinets with government approved locks, the files are located in closely watched rooms of the Office of Enforcement and the Office of Internal Affairs. Personnel maintaining the files are selected for their reliability, among other qualities, and afforded access only

after having been cleared by a full field investigation. During non-working hours the rooms in which the records are located are locked and access to the building is controlled by uniformed security guards.

**RETENTION AND DISPOSAL:**

The Office of Enforcement destroys a file when it no longer has any utility by either shredding or burning; the Office of Internal Affairs reviews files annually for relevance and necessity, and when a file no longer has any utility, it is destroyed either by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Enforcement U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, for those components of the system maintained by the Office of Enforcement; Director, Office Internal Affairs (Security) U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, and for those components of the system maintained by the Office of Internal Affairs

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

Treasury/Customs .054

**SYSTEM NAME:**

Confidential Statements of Employment and Financial Interests—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Office of Human Resources, U.S. Customs Service, 1301 Constitution Ave., NW., Washington, DC 20229

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those employees as listed in Treasury Personnel Manual Chapter 735 Subpart C, Section 0.735-320, and the currently effective edition of Customs Circular PER-2-PER (Subject: Personnel; Departmental Rules of Conduct and Requirements Concerning Financial Statement).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Form TD 3087, Confidential Statement of Employment and Financial Interests.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in locked safe.

**RETENTION AND DISPOSAL:**

Records are destroyed two (2) years after employee leaves a position in which a statement is required, or two (2) years after the employee leaves the agency, whichever is earlier.

**SYSTEM MANAGER AND ADDRESS:**

Director, Labor Employee Relations Division, Office of Human Resources, U.S. Customs Service, Washington, DC 20229.



**NOTIFICATION PROCEDURE:**

Write to systems manager.

**RECORD ACCESS PROCEDURES:**

Write to systems manager.

**CONTESTING RECORD PROCEDURES:**

Write to systems manager.

**RECORD SOURCE CATEGORIES:**

Individuals required to submit Form TD 3087.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .056

**SYSTEM NAME:**

Congressional and Public Correspondence File-Treasury/Customs.

**SYSTEM LOCATION:**

Workforce Effectiveness and Development Staff, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those persons sending letters of inquiry or complaint concerning Customs activities and procedures.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Incoming correspondence, the agency's reply, and related materials.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Correspondence records are maintained in file folders and on cards.

**RETRIEVABILITY:**

Correspondence records are identified by the name of the person making inquiry or complaint. The cards are then filed alphabetically.

**SAFEGUARDS:**

Access to the records is granted only to authorized Customs personnel. During non-working hours the room in which the records are located is locked and access to the building is controlled by uniformed security police.

**RETENTION AND DISPOSAL:**

The records are maintained from two to five years and then destroyed or retired to the Federal Records Center as appropriate.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Workforce Effectiveness and Development Staff, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Correspondence and related records and materials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .057

**SYSTEM NAME:**

Container Station Operator Files—Treasury/Customs.

**SYSTEM LOCATION:**

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past container station operators and employees that require an investigation and related information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Report of investigations, application and approval or denial of bond to act as container station operator and other Customs Service memoranda. Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Customs Regulations, Part 19.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL.

**RETRIEVABILITY:**

Each file is identified by the name of the container station operator.

**SAFEGUARDS:**

The file cabinets are maintained within the area assigned to the District Director. During non-working hours, the room and/or building in which the file cabinet is located is locked.

**RETENTION AND DISPOSAL:**

These files are disposed of in accordance with the Treasury Records Control Manual. Employee name data



retained for period of employment with container station operator.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, each district within the North Central Region, Chicago, IL. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this file originates from the individual applicant for container station operator bond, from reports of investigation and other Customs memoranda.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .058

**SYSTEM NAME:**

Cooperating Individual Files—Treasury/Customs.

**SYSTEM LOCATION:**

These files are located in regional and local Customs Office of Enforcement Offices within the United States. (See Customs' Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons providing confidential information to the U.S. Customs Service Office of Enforcement.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records include: assumed names; actual names; code numbers; addresses; telephone numbers; physical descriptions; miscellaneous identifying numbers such as Social Security numbers, driver's license number, etc., date individual's record was established; amount and date of reward paid for information supplied.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All files and indices relating to cooperating individuals are stored in metal file cabinets secured with combination locks in a government secured building.

**RETRIEVABILITY:**

The name of each cooperating individual is filed in alphabetical order by assumed name and by actual name. The indices are maintained in the same alphabetical order and are also cross-referenced by the Office of Enforcement alphanumeric code number. All other identifying data is used for verification of identity rather than method of retrieval.

**SAFEGUARDS:**

In addition to being stored in secure metal cabinets with government approved locks, the metal files are kept locked when not in use and located in a closely watched room of the Office of Enforcement. Personnel maintaining the files are selected for their reliability among other qualities, and they are afforded access only after having been cleared by a full field investigation. The files are given the same treatment as material classified as Secret. During duty hours, Office of Enforcement personnel maintain visual control and during off-duty hours the area containing the files is locked.

**RETENTION AND DISPOSAL:**

Retention periods have been established for records contained in the file in accordance with the Treasury Records Control Manual. When a file no longer has any utility, it is destroyed either by shredding or burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

The Assistant Regional Commissioner (Enforcement); the Special Agent in charge in region SAC Offices; and the Resident Agent in charge in suboffices of the Special Agent in charge. (See Customs Appendix A.)

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .061

**SYSTEM NAME:**

Court Case File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053; Office of the District Counsel, 555 Battery Street, San Francisco, CA 94126; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the District Counsel, 909 First Avenue, Seattle, Washington 98174

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Court documents with exhibits, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C. 2676, 19 U.S.C. 1603, E.O. 6166, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with



criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified by the name of the person against whom the Government has initiated the litigation, or by the name of the person who initiated the litigation against the Government.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; District Counsel, U.S. Customs Service, 555 Battery Street, San Francisco, CA 94126; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; District Counsel, U.S. Customs Service, 909 First Avenue, Seattle, Washington 98174.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with a request by a District Director to the appropriate United States Attorney that he institutes suitable judicial action to enforce the forfeiture of merchandise and vehicles, or the value thereof, which had been imported or used in violation of the

Customs laws, and upon which final administration action has taken place. Information in this file also originates with the filing of a complaint by a private person against the Government, and by the filing of a complaint by the Government against private persons or former employees to enforce the collection of debts due the Government. Information in the files is also derived from reports of investigation regarding the enforcement of civil or criminal statutes and denial of tort claims.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .064

**SYSTEM NAME:**

Credit Card File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Logistics Management, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Headquarters Customs Service Employees to whom national gasoline credit cards have been issued.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Credit card numbers, names, and signatures of employees to whom credit cards have been issued, and the date of issuance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Alphabetically by name or by credit card number.

**RETRIEVABILITY:**

A portion of the index cards are identified by the name of the person to whom the credit card was issued in the case of credit cards which have been permanently assigned to higher level Customs Service officers and such index cards are filed alphabetically. The remainder of the index cards relate to credit cards which are issued to Customs Service officers or employees on a one-transaction basis, and these index cards are filed by the applicable credit card number.

**SAFEGUARDS:**

Index cards are maintained and stored in a secured room with limited accessibility. The building is guarded by uniformed security police, and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

Index cards filed alphabetically by name are filed during the period that the officials named thereon are in possession of the credit cards, and then these index cards are retained (for audit purposes) when the officials are no longer in possession of the credit cards. Index cards are filed by office titles and contain receipt signatures.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Headquarters Services Division, Office of Logistics Management, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system is obtained from Customs Service records and is also furnished by the officers or employees to whom the credit cards have been issued.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .067

**SYSTEM NAME:**

Bank Secrecy Act Reports File—Treasury/Customs.

**SYSTEM LOCATION:**

Computerized Records: U.S. Customs Service, 1301 Constitution Avenue NW.,



Washington, DC 20229; Treasury Enforcement Communications System, San Diego, CA, with computer terminal access in various Customs and IRS regional offices. Originals: 4790's—Customs ports of entry or departure; 4789's—Internal Revenue Service, Detroit, MI; 90.22-1's—Internal Revenue Service, Detroit, MI; 8362's—Internal Revenue Service, Detroit, MI.

#### CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Listing of individuals who filed Form 4790 (Currency and Monetary Instrument Report), Form 4789 (Currency Transaction Report), Form 90.22-1 (Foreign Banking Account Report), Form 8362 (Currency Transaction Report by CASINOS).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Name of individuals and other entities filing the above-referenced forms, reports of the owners of monetary instruments, the amounts and kinds of currency or other monetary instruments transported, reported, or in foreign banking accounts, accounts numbers, addresses, personal identifiers, dates of birth, etc.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 5311 *et seq.*; 31 CFR part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide

information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Magnetic tapes (original 4790's are stored at the appropriate Customs port of entry or departure, original 4789's are stored by IRS in Detroit, MI, and original 90.22-1's are stored at Internal Revenue Service, Detroit, MI; 8362's—Internal Revenue Service, Detroit, MI.

##### RETRIEVABILITY:

By name and other unique identifiers.

##### SAFEGUARDS:

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm protection systems, special communication security, etc.

##### RETENTION AND DISPOSAL:

Indefinite.

##### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

##### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual. (See 5 U.S.C. 552a (e)(4)(G) and (f)(1).)

##### RECORD ACCESS PROCEDURES:

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

##### CONTESTING RECORD PROCEDURES:

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

##### RECORD SOURCE CATEGORIES:

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

#### Treasury/Customs .069

##### SYSTEM NAME:

Customhouse Brokers File—Treasury/Customs.

##### SYSTEM LOCATION:

Office of the Chief Counsel, Entry, Licensing and Restricted Merchandise Branch, Entry Procedures and Penalties Division; U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, and Customs regional, district and port offices.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Licensed customhouse brokers, employees of customhouse brokers, individuals or firms who have applied for a broker's license.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Internal Customs Service memoranda and related material regarding proposed administrative disciplinary action against customhouse brokers for violation of the regulations governing the conduct of their business; broker applications and related material; notification of change of business address, organization, name, or location of business records; status reports; requests for written approval to employ persons who have been convicted of a felony.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

19 U.S.C. 1641; 19 CFR Part 111; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other



relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in drawers that are capable of being locked and are locked at the close of business. Some records are in a separate room which is locked at other than official hours. File cards covering individual customhouse brokers, corporations, partnerships and trade names are in files not capable of being locked, but the entire area is locked at night.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the customhouse broker and in the alphabetical file folder within the metal container by the name of the customhouse broker.

**SAFEGUARDS:**

The files described above are maintained in Customs Service Buildings. During non-working hours the room in which the files are located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

Customhouse broker files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Counsel; Director, Entry Procedures and Penalties Divisions, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, Customs regional commissioners, district directors, and port directors.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates from audits of or investigations into the conduct of customhouse brokers' businesses, applications for licenses, references as to character, court records, and local credit reporting services, as well as reports, notifications, and other applications filed by brokers pursuant to statutory and regulatory requirements.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4)(G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .077

**SYSTEM NAME:**

Disciplinary Action, Grievance and Appeal Case Files—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Office of Human Resources, Customs Headquarters, and in each Regional, Port, and appropriate post of duty offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees on whom disciplinary action is pending or has occurred, and employees who have filed grievances and appeals.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records on such action as leave restriction letters, reprimands, suspensions, adverse actions, etc., and grievance and appeals by employees. Copies of correspondence, management requests for assistance, evidentiary materials on which action is contemplated, proposed or taken, regulatory material, examiners' reports, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in manila folders.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in a locked file.

**RETENTION AND DISPOSAL:**

Records are maintained for five years and then transferred to Federal Records Center where they are maintained for fifteen years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Labor, Employee Relations Division, Office of Human Resources, Customs Headquarters, or appropriate managerial official in employee's district, port, or post of duty.



**NOTIFICATION:**

Write to system manager.

**RECORD ACCESS PROCEDURE:**

Request from system manager.

**CONTESTING RECORD PROCEDURES:**

Write to the system manager.

**RECORD SOURCE CATEGORIES:**

Supervisors and supervisory records and notes; evidentiary materials supporting planned, proposed, or accomplished actions; grievance letters submitted by employee, grievance examiner, etc.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .078

**SYSTEM NAME:**

Disclosure of Information File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, MD 21202; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons requesting access to information pursuant to the Freedom of Information Act or any other statute, regulation, directive or policy to disclose such information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Requests, information, records, documents, internal Customs Service memoranda, or memoranda from other agencies and related materials regarding disclosure of the information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C 552, 31 CFR Part 1, 19 CFR Part 103, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including

disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified in the file folder within the metal container by the name of the person requesting disclosure.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel within the Customhouse. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

Customhouse broker files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, Room 125, U.S. Customhouse, 40 South Gay Street, Baltimore, MD 21202; Regional Counsel, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel, 222 Main Street, San Francisco, CA 94105.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates from the requests for information filed with the Customs Service which may pertain to any information contained in the files of the U.S. Customs Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.081

**SYSTEM NAME:**

Dock Passes—Treasury/Customs.

**SYSTEM LOCATION:**

District Director's office, U.S. Customs Service, 228 Federal Building, 335 Merchant Street, Honolulu, HI 96813.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Consulate staff members, brokers, private individuals, etc.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Form lists following information: pass number; port; date of issue; name of individual; organizational affiliation; expiration date of pass; and vessel name.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

3 x 5 card box loose leaf binder.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Building locked during non-working hours.

**RETENTION AND DISPOSAL:**

Retained until expiration.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, U.S. Customs Service, 228 Federal Building, 335 Merchant Street, Honolulu, HI 96806.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Individual applicants.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury Customs .083****SYSTEM NAME:**

Employee Relations Case Files—  
Treasury/Customs.

**SYSTEM LOCATION:**

Office of Human Resources, U.S.  
Customs Service, Washington, DC  
20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records maintained on the benefit aspects of employment such as, workers' and unemployment compensation, leave, health and life insurance, retirement, suggestions, awards, etc. and employees who have requested assistance with these programs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of initiating correspondence and Customs correspondence and any forms submitted by or completed on behalf of the employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

- (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.
- (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in a locked file.

**RETENTION AND DISPOSAL:**

Maintained for period of time employee remains with Customs. Records destroyed upon separation of employee.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Labor Employee Relations Division, Office of Human Resources, U.S. Customs Service, Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

Write to systems manager—providing your name and social security account number.

**RECORD ACCESS PROCEDURES:**

Write to systems manager.

**CONTESTING RECORD PROCEDURES:**

Write to systems manager.

**RECORD SOURCE CATEGORIES:**

Individuals and offices depending on the problem.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .092****SYSTEM NAME:**

Exit Interview—Treasury/Customs.

**SYSTEM LOCATION:**

Personnel Management Division, in each Region and Headquarters. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees terminating from the Customs Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, position, time in grade and position, time with Customs, organization designation, supervisor's name and answers to various questions about employment with Customs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Forms are kept in manila folders.

**RETRIEVABILITY:**

By organization or by name.

**SAFEGUARDS:**

Locked office.

**RETENTION AND DISPOSAL:**

Retained in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division. (See location above.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information obtained from departing employee and employee's supervisor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs 00.093****SYSTEM NAME:**

Federal & New York State licenses for commercial importation of alcoholic beverages—Treasury/Customs.

**SYSTEM LOCATION:**

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All companies and individuals who have filed import licenses for alcoholic beverages with this office.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Licenses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File cabinets.

**RETRIEVABILITY:**

Alphabetical listing.



**SAFEGUARDS:**

Office locked at end of day.

**RETENTION AND DISPOSAL:**

Retained in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Commissioner (Area Director, New York Seaport Area).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Individuals who have applied for an alcoholic beverage license.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .96

**SYSTEM NAME:**

Fines, Penalties and Forfeiture Control and Information Retrieval System—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service, Office of Regulations and Rulings, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and/or businesses who have been fined, penalized or have forfeited merchandise because of violations of Customs and/or related laws or breaches of bond conditions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual and business names, address, personal identifying numbers, date and type of violation, parties entitled to legal notice or who are legally liable, case information, bond and petition information, and actions (administrative) taken by U.S. Customs. Also included are actions taken by violator prior to the disposition of the penalty or liquidated damage case.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

(1) Magnetic disc and tape. (2) Hard copy Customs Form 5955a (Notice of Liquidated Damages Incurred and Demand for Payment) and Customs Form 151 Search/Arrest/Seizure Report.

**RETRIEVABILITY:**

Individual's name or case number.

**SAFEGUARDS:**

All inquiries are made by officers with a full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

**RETENTION AND DISPOSAL:**

A maximum of 10 years. Erasure of disc/tapes and shredding and/or burning of hard copy Customs Form 5955a.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Regulations and Rulings, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Customs Form 5955a (Notice of Penalty or Liquidated Damages Incurred and Demand for Payment) and CF 151 (Search/Arrest/Seizure Report) prepared by Customs Employees at the time and place where the violation has occurred.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .098

**SYSTEM NAME:**

Fines, Penalties and Forfeitures Records—Treasury/Customs

**SYSTEM LOCATION:**

Customs district offices. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and firms who have been administratively charged with violations of Customs laws and regulations and other laws and regulations enforced by the Customs Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Entry documentation, notices, investigative reports, memoranda, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended. 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a court, magistrate, or administrative tribunal in



the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, or in response to a subpoena, in connection with criminal law proceedings. (c) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The records are maintained in folders in file cabinets and safes.

**RETRIEVABILITY:**

The records are filed either by the name of the individual or chronologically with a cross reference index by the name of the individual.

**SAFEGUARDS:**

During non-working hours, the records are maintained in locked rooms, locked buildings and buildings guarded by uniform guards.

**RETENTION AND DISPOSAL:**

The records are retained for three to five years after which they are either destroyed or forwarded to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Directors of Customs (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/Customs .099**

**SYSTEM NAME:**

Fines, Penalties, and Forfeiture Files (Supplemental Petitions)—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the District Counsel, 555 Battery Street, San Francisco, CA 94126; Office of Counsel, Room 7422, New Federal Building, 300 North Los Angeles Street, Los Angeles, CA, 90053; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of the District Counsel, 909 First Avenue, Seattle, Washington 98174.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have filed supplemental petitions for relief from fines, penalties and forfeitures assessed for violations of the laws and regulations administered by Customs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Petitions and supplemental petitions and other documents filed by the individual; reports of investigation concerning the fine, penalty or forfeiture; and documents relating to the internal review and consideration of the request for relief and decision thereon.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; Reorganization Plan No. 1 of 1965, 19 U.S.C. 1618; 19 CFR Parts 171 and 172.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to the Department of Justice or an individual United States Attorney to assist that Department or United States Attorney when suit is filed by the Government in civil prosecution of the fine, penalty or forfeiture; (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested

information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course or presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the petitioner and in the numerical file folder within the metal file cabinet by the name of the petitioner.

**SAFEGUARDS:**

The metal file cabinet described above is maintained within the area assigned to the Office of the Regional Counsel within the Federal Building. During non-working hours the room in which the metal file cabinet is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

Supplemental petition files are retained until there is no longer any space available for them within the metal file cabinet, at which time the oldest files may be transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Counsel, 555 Battery Street, San Francisco, CA 94126; Regional Counsel, Room 7422, U.S. Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel, Room 1417, U.S. Customs Service, 55 East Monroe Street, Chicago, IL 60603; District Counsel, 909 First Avenue, Seattle, Washington 98174.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.



**RECORD SOURCE CATEGORIES:**

Information contained in these files is obtained from the individual petitioning for relief and from the District Director of Customs within whose jurisdiction the fine, penalty or forfeiture action lies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/Customs .100****SYSTEM NAME:**

Fines, Penalties and Forfeiture Records (Headquarters)—Treasury/ Customs.

**SYSTEM LOCATION:**

Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records are maintained on persons who have been administratively charged with violating Customs and related laws and regulations and on persons who have applied for awards of compensation for providing information regarding such violations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Entry documentation, notices, investigative and other reports, memoranda of information received, petitions, recommendations, referrals and dispositions of fines, penalties and forfeiture cases and applications for awards of compensation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 66, 1618, 1624; 19 CFR Parts 171 and 172.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil,

criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The records are kept in file cabinets in the central file room of the Entry Procedures and Penalties Division at U.S. Customs Service Headquarters.

**RETRIEVABILITY:**

The records are filed chronologically with a case number given to each file. The records are retrievable by means of an alphabetical card index system by names of individuals charged with a violation.

**SAFEGUARDS:**

The records are maintained in the U.S. Customs Service Headquarters building which is guarded by security police. During non-working hours, the central file room is locked and the building is guarded by security police.

**RETENTION AND DISPOSAL:**

The records are generally retained for five years after closing of the case. The records are then forwarded to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Penalties Branch, Entry Procedures and Penalties Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information and representations supplied by importers, brokers and other agents pursuant to the entry and processing of merchandise or in the clearing of individuals or baggage through Customs. Information also

includes information gathered pursuant to Customs investigations of suspected or actual violations of Customs and related laws and regulations and recommendations and information supplied by other agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/Customs .105****SYSTEM NAME:**

Former Employees—Treasury/ Customs.

**SYSTEM LOCATION:**

Laboratory Division, Room 1508, 630 Sansome Street, San Francisco, CA 94111.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All past employees of the Customs Laboratory.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains copies of personnel action notices.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders and stored in a metal file cabinet.

**RETRIEVABILITY:**

The record is filed alphabetically by name.

**SAFEGUARDS:**

The file is stored in a metal file cabinet in a private inner office of a government building protected by 24-



hour guard service with limited access. The file is only used on a "need to know" basis and only by the laboratory employees.

**RETENTION AND DISPOSAL:**

Retained in accordance with the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Laboratory Division, U.S. Customs Service, 630 Sansome Street, Room 1508, San Francisco, CA 94111.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information contained in personnel action files.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .109

**SYSTEM NAME:**

Handicapped Employee File—Treasury/Customs.

**SYSTEM LOCATION:**

Personnel Management Division, Regional Commissioner of Customs, 55 East Monroe Street, Suite 1501, Chicago, IL 60603.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees identified as handicapped.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Indicates employee's home and organizational location and various physical and mental handicaps, infirmities and conditions. Also shows veteran's preference.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

List.

**RETRIEVABILITY:**

Lists employees alphabetically by district.

**SAFEGUARDS:**

None at present and none required.

**RETENTION AND DISPOSAL:**

Employee's name removed from list at time of termination.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Data furnished by employee and employee's physician.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .112

**SYSTEM NAME:**

Immediate Delivery Violation Record—Treasury/Customs.

**SYSTEM LOCATION:**

Fines, Penalties and Forfeiture Section, Room 102, United States Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons qualified to obtain release of imported merchandise under the immediate delivery privilege.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The record reveals the individuals' or Customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or remission and date closed. The record results in a summary of repetitive violations by any one individual, firm, or Customhouse broker and disciplinary action toward reduction or elimination of violations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Immediate Delivery Record Cards are filed alphabetically in an unlocked metal file cabinet.

**RETRIEVABILITY:**

Each record card is filed alphabetically within the metal cabinet.

**SAFEGUARDS:**

The metal cabinet described above is maintained within the area assigned to the Fine, Penalties and Forfeiture section in Room 102 of the Customhouse, Philadelphia, PA; during non-working hours, access to the building and area of storage is controlled by uniformed guards.

**RETENTION AND DISPOSAL:**

Immediate Delivery Record cards are retained at location three (3) years; then destroyed.



**SYSTEM MANAGER(S) AND ADDRESS:**

District Director of Customs, Room 102, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained on these cards originates from liquidated damage cases instituted for failure to timely file entries and pay duty.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .122

**SYSTEM NAME:**

Information Received File/Treasury/Customs.

**SYSTEM LOCATION:**

District Division, Room 200, United States Customhouse, La Marina, Old San Juan, PR 00901; Office of the Special Agent In Charge, 423 Canal St., New Orleans, LA 70130; Office of the District Director, 880 Front Street, San Diego, CA 92318; Offices of the Port Directors, San Ysidro, CA., Tecate, CA., Calexico, CA., Andrade, CA; San Diego Barge Office, Offices of the Special Agent In Charge, San Diego, CA., San Ysidro, CA., Calexico, CA., Tecate, CA; Los Angeles Region, Office of the District Director, 423 Canal St., New Orleans, LA 70130; Special Agent In Charge, Room 213, International Trade Center, 250 N. Water Street, Mobile, AL 36602; U.S. Customs Air Branch, Bld 240 PM-TUM, Homestead Air Force Base, Homestead, FL 23039; Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; Special Agent In Charge, 300 Ferry Street, Terminal Island, San Pedro, CA 90731; Resident Agent in Charge, Office of Enforcement, P.O.Box 1385, Nogales, AZ 85621; Special Agent In Charge, Room 7N-FB-05, 301 W. Congress, Tucson, AZ 85701.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons in whom Customs and/or other government agencies are interested from a law-enforcement and/or security point of view.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, alias, date of birth or age, personal data, addresses, home and business telephone number, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Files are kept in a locked metal cabinet.

**RETRIEVABILITY:**

Records are filed within a metal file.

**SAFEGUARDS:**

The files are located within an office that is locked during non-working hours. The building is guarded by a central

alarm system which is monitored by local law enforcement agencies, and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

Files are retained for a period of three (3) years after which they are destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Special Agent In Charge, United States Custom Service, Room 200, La Marina, Old San Juan, PR 00901; Special Agent In Charge, 423 Canal St., New Orleans, LA 70130; Chief, Air Branch, U.S. Customs Service, Bld 240, PM-TUM, Homestead Air Force Base, Homestead, FL 33039; Director, Regional Agent In Charge, 423 Canal St., New Orleans, LA 70130; District Director, Port Directors, and Division Directors within the San Diego Customs District: Intelligence Support Staff (Pacific Region), Room 7514, 300 N. Los Angeles Street, Los Angeles, CA 90053; Special Agent In Charge, 300 Ferry Street, Terminal Island, San Pedro, CA 90731; Resident Agent in Charge of Enforcement, P.O. Box 1385, Nogales, AZ 85621; Special Agent in Charge, Room 7N-FB-05, 301 W. Congress, Tucson, AZ 85701 (see Customs Appendix A).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .123

**SYSTEM NAME:**

Injury Notice—Treasury/Customs.

**SYSTEM LOCATION:**

Each Logistics Management Division in each regional Headquarter Office (see Customs Appendix A for addresses) and all offices of the District Director, North Central Region, Chicago, IL.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who sustain an injury in performance of duty as an employee of U.S. Customs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, date of birth, home address, organization, place of injury, date and hour of injury, dependants, occupation cause of injury, nature of injury, statement of witness, supervisor's report of injury.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Sections 19 and 24 of the Occupational Safety and Health Act of 1970; 84 Statute 1609, 1614, 29 U.S.C. 668, 673 and the provisions of Executive Order 11807.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to the Department of Labor for that agency's official use. (b) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (c) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The information in this system is contained on CA forms. The CA forms are filed in a loose leaf, alphabetical binder and placed in a metal file container.

**RETRIEVABILITY:**

Each CA form is identified by the name of the injured employee and filed alphabetically in a binder.

**SAFEGUARDS:**

The binder is placed within a metal file container located within an office that is locked during non-working hours. The building is guarded by uniformed security personnel and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

Notice of injury reports are maintained in the employee's OPF and disposed of in accordance with the Treasury Records Control Manual. Copies maintained by the systems manager are maintained at location for two years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Each Director, Logistics Management Division, in each Customs Regional Headquarters (see Appendix A for address), each District Safety Officer, North Central Region, Chicago, IL (see Customs Appendix A for addresses of District Directors).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with and consists solely of information supplied by the injured employee, his supervisor, appropriate witness and attending physician on CA forms.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .125****SYSTEM NAME:**

Intelligence Log—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Air Branch, Bld 240 PM-TUM, Homestead Air Force Base, Homestead, FL 33030.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are believed to be involved in activities which constitute, or may develop into, possible violation of Customs and related laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Internal Customs Service memoranda and related materials regarding the activities of individuals, vessels, or aircraft believed to be involved in acts which are contrary to Customs and related laws.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative

tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The intelligence log is maintained within a security area.

**RETRIEVABILITY:**

A manual, master card index, is maintained for the entire system. This index includes name and/or numerical identifier.

**SAFEGUARDS:**

The information files and master card index are located within an office which is locked during non-working hours. The building is guarded by U.S. Air Force Military Police and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

These files are retained until such time that it has been determined that there is no longer a need for their existence, at which time the oldest files are destroyed under Customs supervision.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Air Branch, U.S. Customs, PM-TUM Bld 240, Homestead Air Force Base, Homestead, FL 33039.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

**Treasury/Customs .127****SYSTEM NAME:**

Internal Security Records System Treasury/Customs.

**SYSTEM LOCATION:**

Office of Internal Affairs (Security), U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229; Tort Claim Investigation Files, Information relating to investigations, and index card files at each Office of Internal Affairs. (See Customs Appendix A.)



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past employees, applicants for positions that require an investigation, and others that are principals or others in an investigation, or integrity issue.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Security clearance records; background, tort claim, integrity investigation and related information and other Customs related investigations including individuals involved in accidents under investigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Investigative records are maintained on microfiche and in file folders and stored in metal security cabinets secured by government approved three-position, combination locks. Security clearance records are stored on magnetic tape with a manual back-up system.

**RETRIEVABILITY:**

A manual, master card index is maintained for the entire system. This index includes name and/or numerical identifier.

**SAFEGUARDS:**

In addition to being stored in secure metal containers with government approved, combination locks, the metal containers are located in locked rooms, the keys of which are controlled and issued to the custodians of the files. The security specialists and administrative personnel who maintain the files are selected for their experience and afforded access only after having been cleared by a full-field background investigation and granted appropriate security clearances for critical sensitive positions. Those departmental officials who may occasionally be granted access consistent with their positions to employ and concur in the granting of security clearances have also been investigated prior to filling critical-sensitive positions.

**RETENTION AND DISPOSAL:**

With exception of tort claim investigations, the file records are maintained as long as the subject of the investigation is employed by the U.S. Customs Service and for one (1) year after the subject terminates employment. The files are then transferred to the Federal Records Center. Tort Claim investigations are retained for five (5) years after the close of the investigation and then destroyed. Once files are transferred, they are retained for the following periods of time by the Federal Records Center and then destroyed: Background investigations—25 years, Conduct and special inquiry investigations—15 years, & Equal Employment Opportunity investigations—10 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Office of Internal Affairs (Security), U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229.

**RECORD SOURCE CATEGORIES:**

Sources of information are: Employers; educational institutions; police; government agencies; credit bureaus; references; neighborhood checks; confidential sources; medical sources; personal interviews; military, financial, citizenship, birth and tax records; and the applicants or employee's personal history and application forms.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2), (k)(2) and (k)(5).

**Treasury/Customs .129****SYSTEM NAME:**

Investigations Record System—Treasury/Customs.

**SYSTEM LOCATION:**

All Office of Enforcement offices located within each Customs Service Region in the United States and within each Office of Enforcement office located in a foreign country. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records are maintained on individuals who may bear some necessary relevance to investigations conducted within the scope of authority of the Office of Enforcement, United States Customs Service. The categories include but are not limited to: (1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the U.S. and foreign countries. (3) Fugitives with outstanding warrants, Federal or State. (4) Suspect violators of U.S. Customs or other related laws. (5) Victims of violations of the U.S. Customs or related laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The subject records may contain any identifying or other relevant information on subject individuals which might relate to the following categories of investigations: Smuggling, Diamonds & Jewelry; Smuggling, Liquor; Smuggling, Narcotics; Smuggling, All Other; Prohibited Importations; Navigation, Airplane and Vehicle Violations; Neutrality Violations; Illegal Exports, Baggage Declaration Violations; Customhouse Brokers and Customs Attorneys; Applications for Licenses; Theft, Loss, Damage and Shortage; Irregular Deliveries; All Other Criminal



Cases; Currency Violations. Organized Crime; Personnel Derelictions; Other Departments, Bureaus and Agencies; Federal Tort claims; Personnel Background Investigations. Undervaluation and False Invoicing; Petitions for Relief; Drawback; Marking of Merchandise; Customs Bonds; Customs Procedures; Collections of Duties and Penalties; Trademarks and Copyrights; Foreign Repairs to Vessels and Aircraft. Classification; Market Value; Dumping; Countervailing Duties.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 2072; Title 19, United States Code; Title 18, United States Code.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records are maintained in both hard copy files and on microfiche which are placed in locked metal containers.

##### **RETRIEVABILITY:**

The record system is indexed on 3 x 5 file cards by the individual's name and/or identification number and by the investigative case numbers to which the information relates. The hard copy and microfiche records are retrieved by means of the investigative case numbers.

##### **SAFEGUARDS:**

All records are held in steel cabinets and are maintained according to the requirements of the United States Customs Records Manual and the United States Customs Security Manual. Access is limited by visual controls and/or a lock system. During normal working hours, files are either attended by responsible Office of Enforcement employees or the file area is restricted. The office in which the records are located is locked during non-working hours and the building is patrolled by uniformed security guards.

##### **RETENTION AND DISPOSAL:**

The index cards, the hard copies and microfiche records are retained in accordance with standard Customs Service record retention and disposal procedures.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Enforcement, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

##### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

##### **Treasury/Customs .133**

##### **SYSTEM NAME:**

Justice Department Case File—Treasury/Customs.

##### **SYSTEM LOCATION:**

Office of the Regional Counsel, Northeast Region, 10 Causeway Street, Boston, MA 02222; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Ave., NW., Washington, DC 20229.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are parties in litigation with the United States Government or subunits or employees or officers thereof, in matters which affect or involve the United States Customs Service.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C., 507; 19 U.S.C. 1603; E.O. 6166; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose to the Department of Justice or directly to United States Attorneys upon request to assist in representing the interests of the Government, the agency or officer or employee involved in the litigation, or to other agencies involved in the same or similar litigation. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions



relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted in file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified in the file folder within the metal container.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Office of the Counsel. During non-working hours the room in which the metal container is located is locked.

**RETENTION AND DISPOSAL:**

The files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, Northeast Region, 10 Causeway Street, Boston, MA 02222; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with the request from an appropriate customs official, the Department of Justice or directly from a United States Attorney or other Government agency or officer which results in a communication regarding the particular case. Information in this file is also derived from reports of investigation regarding the enforcement of civil or criminal statutes or regulations, administrative proceedings or any matter affecting or involving the United States Customs Service or its officers or employees.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

**Treasury/Customs .136**

**SYSTEM NAME:**

Liquidated Damage Cases; Prior Violators—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the District Director, Fines and Penalties Office, U.S. Customs Service, 2 India Street, Boston, MA 02109, and Office of the District Director, Fines and Penalties Office, U.S. Customs Service, P.O. Box 1490, St. Albans, VT 05478.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Prior violators of Customs Laws: e.g. Customhouse brokers, individual TIB violators, liquidated damage cases only.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, Social Security number, type of violation and frequency of past violations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored on 3 x 5 index cards and in file folders.

**RETRIEVABILITY:**

Alphabetically; by name.

**SAFEGUARDS:**

In locked file cabinet when not in use.

**RETENTION AND DISPOSAL:**

Boston District files are kept for two years and then destroyed on site. St. Albans District files are kept for five (5) years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Fines and Penalties Officer, U.S. Customhouse, Boston, MA 02109. Fines and Penalties Officer, Post Office and Customhouse Building, St. Albans, VT 05478.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is received from the individual at the time the violation occurs and from penalty notices which are issued in the Penalties section. Also, the Office of Investigations provides any information developed during its investigation.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .137**

**SYSTEM NAME:**

List of Vessel Agents Employees—Treasury/U.S. Customs.

**SYSTEM LOCATION:**

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons employed by Vessel agents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide



information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Open file.

**RETRIEVABILITY:**

Alphabetical listing of employees by vessel agent name.

**SAFEGUARDS:**

The file described is maintained in the Offices of the District Directors in North Central Region, Chicago, IL. During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

**RETENTION AND DISPOSAL:**

Employee name retained for period of employment with vessel agent agency.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, as appropriate, in North Central Region, Chicago, IL (see Location above).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Submission of data by importing carrier or his agent.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .138

**SYSTEM NAME:**

Litigation Issue Files—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Parties in litigation before the United States Customs Court (or subunits or employees or officers thereof), and other individuals with knowledge of the issues in controversy, e.g., trade witnesses, foreign or domestic manufacturers, etc.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Litigation report requests and responses thereto, reports of investigations, internal Customs Service memoranda summarizing or relating to the matter in controversy and other background information relating to the subject matter or origin of the litigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

19 U.S.C. 1514-1516; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to the Department of Justice upon request to assist that Department in representing the interests of the Government, or agency involved in the litigation. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each issue file is inserted in a numerical file folder (according to issue)

which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each issue file is cross-indexed in the following card files: (a) By name of party—plaintiff; (b) by issue; and, (c) by titles of decided cases.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Office of the Assistant Chief Counsel within the Federal Building. At all times the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Chief Counsel, Customs Court Litigation, Second Floor, 26 Federal Plaza, New York, NY 10007.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with the receipt of protest reports (based on information supplied by the subject individuals or by their authorized agents or attorneys) from the various Districts and/or litigation report requests from the Department of Justice which result in a written report to that Department regarding the facts of the particular case.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4), (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .144

**SYSTEM NAME:**

Mail Protest File—Treasury/Customs.

**SYSTEM LOCATION:**

Foreign Mail Branch, 2200 NW., 72 Avenue, Miami, FL 33166; District Director of Customs: 3180 Bladensburg Rd., NE., Washington, DC 20018; 620 East 10th Avenue, Anchorage, AK 99501; 215 1st Avenue North, Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 NW., Broadway, Portland, OR 97209; 555 Battery Street, San Francisco, CA



94126; 909 First Avenue, Seattle, WA 98714.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have filed formal protest of the amount of duty assessed against mail parcels.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Letters, invoices, and other pertinent documents pertaining to protests.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are kept in file folders within a metal file cabinet.

**RETRIEVABILITY:**

Records are retrievable by name or protest number.

**SAFEGUARDS:**

Access is limited to appropriate personnel and the office is locked during non-working hours.

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director of Customs: 77 S.E. 5th Street, Miami, FL 33131; 3180 Bladensburg Road, NE., Washington, DC 20018; 620 East 10th Avenue, Anchorage, AK 99501; 215 1st Avenue North, Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 N.W. Broadway, Portland, OR 97209; 555 Battery Street, San Francisco, CA 94126; 909 First Avenue, Seattle, WA 98714.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Source information is from the sender, the addressee, the Customs value records, and the manufacturer of the item.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .148

**SYSTEM NAME:**

Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229; Office of the Regional Counsel, Room 125, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the person who filed the claim and

alphabetically in the file folder within the metal container by the name of the person who filed the claim.

**SAFEGUARDS:**

The metal container described above is maintained within the Customs Service Building. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue NW., Washington, DC 20229; Regional Counsel, U.S. Customhouse, 40 S. Gay Street, Baltimore, MD 21202; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .151

**SYSTEM NAME:**

Motor Vehicle Accident Reports—Treasury/Customs.

**SYSTEM LOCATION:**

Each Logistics Management Division, in each Customs Regional Headquarters (see Customs Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

U.S. Customs Employee involved in an automobile accident while on official duty.



**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, Social Security number, home address, telephone number, age, title, date of accident, place of accident, make, year, license number of vehicles, description of accident, information on driver of other vehicle.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Administrative Circular No. 131, dated August 19, 1965, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case file is inserted in an alphabetical file folder which is filed in an unlocked drawer in a metal file cabinet.

**RETRIEVABILITY:**

Each case file is identified in a file folder identified by the name of the Customs employee involved in the automobile accident.

**SAFEGUARDS:**

The metal file cabinet described above is maintained within the area assigned to the Regional Safety Coordinator within the office of the Regional Commissioner of Customs. Access to the building during non-working hours is controlled.

**RETENTION AND DISPOSAL:**

Files are maintained at location for two years and then transferred to the Federal Records Center where they are retained for four years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Each Director, Logistics Management Division in each Regional Headquarters (see Customs Appendix A for addresses).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in these files originates from the employee involved in the automobile accidents, police report and report of investigation conducted by the Office of Internal Affairs.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .152****SYSTEM NAME:**

Motor Vehicle Operator's Identification Card—Treasury/Customs.

**SYSTEM LOCATION:**

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601; Regional Commissioner, 1440 Canal Street, New Orleans, LA 70112.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Customs employees in the South Central Region whose official duties require the use and operation of an agency-owned vehicle or a government-owned vehicle leased from General Service Motor Vehicle Pool.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records on file contain the following information: Name, address, place and date of birth, statement of physical fitness, results of examination on driving capability, summary of past driving record, record of summonses, arrests, and accidents during past five years, record of safe driving awards.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

On SF-47 and Treasury Department Form 2770 in appropriate file.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Unlocked file cabinet in locked office.

**RETENTION AND DISPOSAL:**

Forms are maintained for the period in which the individual is employed in the Customs Service, or until revoked. Upon separation or revocation, forms are removed from active file and placed in an inactive file for a period of three years, after which time the cards are disposed of as provided in GSA's General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601; District, Logistics Management Division, 1440 Canal Street, New Orleans, LA 70112.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.



**RECORD SOURCE CATEGORIES:**

All information contained on SF-47 and TD Form 2770 is obtained directly from employee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .156

**SYSTEM NAME:**

Narcotics Violator File-Treasury/Customs.

**SYSTEM LOCATION:**

Fines, Penalties and Forfeitures Office, District Director of Customs, Room 603, U.S. Federal Building, 111 West Huron Street, Buffalo, NY 14202.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have been found in possession of any controlled substance within the Buffalo District.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetized cross reference of violators names and the associated case numbers assigned to these individuals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena or in connection with criminal law proceedings. (d) To provide information to the news media in

accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's function relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Open card file (3 x 5) is kept in metal flip file.

**RETRIEVABILITY:**

Narcotic violator case files are cross-referenced by a 3 x 5 alphabetized card which contains both name and case number.

**SAFEGUARDS:**

Open card file is kept in the Fines, Penalties and Forfeitures Office which is locked after working hours. During working hours, a staff person is always in the office. The building is under 24 hour guard.

**RETENTION AND DISPOSAL:**

File system has a purge date of two years after which cross reference cards are destroyed and case numbered file is no longer accessible by name of the individual.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, United States Customs Service, Room 603, 111 West Huron Street, Buffalo, NY 14202.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in these files is obtained from Search/Arrest and Seizure Reports transmitted to the Fines, Penalties and Forfeitures Office by ports and stations within the District.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .159

**SYSTEM NAME:**

Notification of Personnel Management Division when an employee is placed under investigation by the Office of Internal Affairs—Treasury/Customs.

**SYSTEM LOCATION:**

Personnel Management Division, 500 Dallas Street, Houston, TX 77002.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees who are suspected of misconduct.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A written or telephonic notification made by the Office of Internal Affairs that an investigation has been opened on an individual employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Notifications provided by the Office of Internal Affairs are maintained in a file



folder and stored in a metal security cabinet equipped with a lock.

#### **RETRIEVABILITY:**

The file contains the name of the employee; therefore, retrievability is by the individual's name.

#### **SAFEGUARDS:**

A metal container, described above, is maintained within the area assigned to Personnel Management in the One Allen Center Building. During non-working hours, the room in which the metal container is kept is locked, and access to the building is controlled at all times by uniformed guards.

#### **RETENTION AND DISPOSAL:**

The name file is retained until notification has been received that the investigation has been canceled or on receipt of a report of investigation from the Office of Internal Affairs.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division, 500 Dallas Street, Houston, TX 77002.

#### **RECORD SOURCE CATEGORIES:**

The only source of notification that an employee has been placed under investigation is the Regional Director, Internal Affairs.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .161

#### **SYSTEM NAME:**

Optional Retirement List—Treasury/Customs.

#### **SYSTEM LOCATION:**

Office of Human Resources, U.S. Customs Service, 1301 Constitution Ave., Washington, DC 20229.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees who are eligible for optional law enforcement retirement.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, organization code, and service computation date, social security number and retirement code.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (c) To determine qualifications for FERS position.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Maintained in a locked file cabinet.

##### **RETRIEVABILITY:**

By name.

##### **SAFEGUARDS:**

Accessible only to the Personnel Officer and to designate representative. The area in which these records are stored is locked during non-working hours, and the building is guarded by uniformed security police.

##### **RETENTION AND DISPOSAL:**

Records are retained for two years then destroyed.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Director Enforcement Division, Office of Human Resources, U.S. Customs Service, 1301 Constitution Ave., Washington, DC 20044.

##### **NOTIFICATION PROCEDURE:**

Director, Enforcement Division, Office of Human Resources, U.S. Customs Service, 1301 Constitution Ave., Washington, DC 20044.

##### **RECORD ACCESS PROCEDURES:**

Director, Enforcement Division, Office of Human Resources, U.S. Customs Service, 1301 Constitution Ave., Washington, DC 20044.

##### **CONTESTING RECORD PROCEDURES:**

Write to Systems Manager.

##### **RECORD SOURCE CATEGORIES:**

The information is obtained from the Permits.

##### **SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .162

##### **SYSTEM NAME:**

Organization (Customs) and Automated Position Management System (COAPMS)—Treasury/Customs.

#### **SYSTEM LOCATION:**

Personnel Management Division, U.S. Customs Service, Washington, DC 20229.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Customs employees by organizational entity.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Position control number and other personnel data such as Social Security number, date of birth, name, etc.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records are stored on Mag-tape.

##### **RETRIEVABILITY:**

Records are indexed by organizational segment, code, position control number, and name.

##### **SAFEGUARDS:**

Limited access.

##### **RETENTION AND DISPOSAL:**

Records are maintained on mag-tapes until employee separation.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division, U.S. Customs Service, Washington, DC 20229.

##### **NOTIFICATION PROCEDURE:**

See Customs Appendix A.

##### **RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

##### **CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

##### **RECORD SOURCE CATEGORIES:**

COAPMS is composed of four basic inputs—CF-105—Position Change Form—presently prepared by the Headquarters



Personnel Branch and operating offices; Post of Duty Codes—established by the Accounting Division; Ceilings—established by the Budget Division; and CF-112—a Request for PPBS Code and Standard Abbreviation of Position. In addition to these four sources, the IRS payroll tape has many inputs—1150, 1125, 50, 52, union dues, etc., and Accounting tape K from IRS.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .163**

**SYSTEM NAME:**

Outside Employment Requests—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Office of Human Resources, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, and/or appropriate District, Port, or post of duty office of employee making request.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All employees engaged in outside employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Outside employment request.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

CF-3031 kept in manila folder.

**RETRIEVABILITY:**

By employee name.

**SAFEGUARDS:**

Locked file cabinet or limited access offices.

**RETENTION AND DISPOSAL:**

Until disengagement from outside employment or employee separation.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Labor Employee Relations Division, Office of Human Resources, Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229 and/or appropriate managerial official in each port or district of employee.

**NOTIFICATION PROCEDURE:**

Write to System Manager, provide your name and Social Security Number.

**RECORD ACCESS PROCEDURES:**

Write to Systems Manager.

**CONTESTING RECORD PROCEDURES:**

Write to Systems Manager, specify changes you are requesting and provide your name and Social Security Number.

**RECORD SOURCE CATEGORIES:**

Employee submission of Form CF-3031.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .165**

**SYSTEM NAME:**

Overtime Earnings—Treasury/Customs.

**SYSTEM LOCATION:**

Inspection and Control Division, San Francisco District, 555 Battery Street, Room 111, San Francisco, CA 94126; Inspection and Control Division, Pacific Region, 300 N. Los Angeles Street, Los Angeles, CA 90012; Los Angeles District, Airport Division, Los Angeles International Airport, 5758 W. Century Boulevard, Los Angeles, CA 90045; District Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; District Director, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; San Diego Barge Office; Offices of the Port Directors; San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ. Office of the Regional Commissioner, North Central Region, Inspection and Control Division, 55 E. Monroe Street, Suite 1501, Chicago, IL 60603; and District Directors Offices: Chicago, IL; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI. Chief Inspector, 1790 W. Port Boulevard, Miami, FL 33132; Port Director of Customs, Port Everglades, FL; Port Director of Customs, West Palm Beach, FL; Director, Airport Operations, Miami International Airport; Office of the

Supervisory Warehouse Officer, U.S. Customhouse, Room 103, 2nd and Chestnut Streets, Philadelphia, PA 19106; U.S. Custom Service, Honolulu International Airport, Honolulu, HI 96819.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Inspection and Control employees participating in overtime assignments.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and the total current monetary earnings computed to the nearest dollar.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information is stored on government internal control personal computer data disks and the information on earnings is updated on a daily basis.

**RETRIEVABILITY:**

The individual's name appears alphabetically.

**SAFEGUARDS:**

The room where the records are kept is locked at other than regular working hours. Passwords are required for access to records.

**RETENTION AND DISPOSAL:**

The information on each employee constantly changes and is maintained as long as the employee is working in the overtime system.

**SYSTEM MANAGER(S) AND ADDRESS:**

Supervisory Customs Inspector, Station 1, U.S. Customs Service, 555 Battery Street, Room 111, San Francisco, CA 94126; Supervisory Customs Inspector, I & C, Pacific Region, 300 N. Los Angeles Street, Room 7508, Los Angeles, CA 90012; Director (Airport) Los Angeles International Airport, 5758 W. Century Blvd., Los Angeles, CA



90045; District Director, 300 S. Ferry Street, Terminal Island, San Pedro, CA 90731; District Director, International and Terrace Streets, P.O. Box 670, Nogales, AZ 85621; San Diego Barge Office; Port Directors: San Ysidro, CA; Andrade, CA; Calexico, CA; Douglas, AZ; Las Vegas, NV; Lochiel, AZ; Lukeville, AZ; Naco, AZ; Oxnard, CA; Phoenix, AZ; San Luis Obispo, CA; San Luis, AZ; Sasabe, AZ; Tecate, CA; Tucson, AZ; Director, Inspection and Control Division, North Central Region, 55 E. Monroe Street, Suite 1501, Chicago, IL 60603; District Directors: Chicago, IL; Pembina, ND; Detroit, MI; Minneapolis, MN; Cleveland, OH; St. Louis, MO; Duluth, MN; Milwaukee, WI; District Director of Customs, 77 S.E. 5th Street, Miami, FL 33131; District Director of Customs, U.S. Customhouse, 2nd and Chestnut Streets, Philadelphia, PA 19106; District Director of Customs, U.S. Customs Service, Honolulu, HI 96819.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is obtained from actual overtime earnings made by each employee in the system.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .170****SYSTEM NAME:**

Overtime Reports—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service, Office of Investigations, South Central Region, RDI, 1440 Canal Street, New Orleans, LA 70112; SAC, 600 South Street, Room 444, New Orleans, LA 70130; SAC, P.O. Box 1704, Mobile, AL 36601; RA, 1719 West End Building, Room 303, Nashville, TN 37203.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Special Agents in region certified to receive premium compensation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Numbers of hours worked by Special Agents over and above the normal 40-hour week.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

These forms are maintained in file folders in a locked filing cabinet.

**RETRIEVABILITY:**

Files are kept in alphabetical order.

**SAFEGUARDS:**

During non-working hours the rooms in which the above described containers are located are locked.

**RETENTION AND DISPOSAL:**

These files are destroyed three years after Special Agent leaves agency or office.

**SYSTEM MANAGER(S) AND ADDRESS:**

Resident Agent, U.S. Customs Service, 6125 Interstate, Bay II, Shreveport, LA 71109; Resident Agent in Charge, c/o Drug Enforcement Agency, Little Rock, AR 72211; Resident Agent, Hoover Building, Ste. 216B, 8312 Florida Blvd., Baton Rouge, LA 70806; Resident Agent, 1 Government Plaza, Rm. 423, 2909 13th Street, Gulfport, MS 39501; Resident Agent in Charge, U.S. Customs Service, U.S. Federal Building, Ste. 230, Jackson, MS 39269; Resident Agent in Charge, Station 1, Box 10182, Houma, LA 70363-5990; Resident Agent in Charge, 101 E. Cypress Street, Ste. 106, Lafayette, LA 70502; Resident Agent, 811 Bayou Pines Blvd., Lake Charles, LA 70601; New Orleans Aviation Branch, P.O. Box 980, Belle Chasse, LA 70037.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with, and consists solely of information supplied by employees.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .172****SYSTEM NAME:**

Parking Permits File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Logistics Management, U.S. Customs Service Headquarters, 1301 Constitution Ave., NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Organizational units and persons holding parking permits.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of person issued parking permit, and number of parking space assigned.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper files.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Office locked at night.

**RETENTION AND DISPOSAL:**

Retained until changed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Headquarters Services Division, Office of Logistics Management, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.



**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is compiled when parking permit is assigned.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .180

**SYSTEM NAME:**

Payroll Record of Employees Not Covered By The Automated System—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records of various types of earnings and taxes withheld from employees who are not covered by the automated payroll system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Recorded detail of earnings and taxes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Data is placed in a file folder maintained in an unlocked file cabinet located within the Payment Section work area.

**RETRIEVABILITY:**

Each file is identified by the name of the individual.

**SAFEGUARDS:**

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The files are retained for two years on the premises and then sent to the Federal Records Center where they are retained for three years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in the system originates from the individual's preparation of his travel voucher and compensation forms.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .182

**SYSTEM NAME:**

Penalty Case File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Regional Commissioner of Customs, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have submitted supplemental petitions in relation to penalties, claims for liquidated damages or forfeitures of property which are being processed by the U.S. Customs Service, Northeast Region and which have been referred to the Regional Commissioner of Customs, Northeast Region.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Reports relative to the circumstances of an alleged violation (including any Customs forms or documents relating to the incident, agents' investigative reports, seizure reports); (b) Reports relative to an individual's economic interest in a penalty case; (c) Investigative reports

relative to claims made in petitions for relief; (d) Recommendations made by other Government agencies that have an interest in the case.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders.

**RETRIEVABILITY:**

Records are indexed by name of alleged violator.

**SAFEGUARDS:**

Open case files maintained in file cabinets with access by Regional Counsel and his staff only; closed case files maintained in locked file cabinet with keys retained by Regional Counsel and his staff only.

**RETENTION AND DISPOSAL:**

Retained until there is no longer any space available within metal cabinets.



at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Commissioner of Customs,  
100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Exemption below.

**RECORD SOURCE CATEGORIES:**

The information contained in these files is received from U.S. Customs employees, reports of investigation, petitions for relief, other Government agencies with an interest in the case and members of the general public who have pertinent information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .186

**SYSTEM NAME:**

Personnel Search—Treasury/  
Customs.

**SYSTEM LOCATION:**

Office of the Director, District Patrol,  
600 South Street, New Orleans, LA  
70130; District Director and Director,  
District Patrol Division, International  
Trade Center, 250 N. Water Street,  
Mobile, AL 36602; U.S. Customs Service,  
Honolulu International Airport,  
Honolulu, HI 96819; Ports of Entry,  
Nogales, AZ (District).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals indicating unlawful or suspicious activity that might result in a Customs violation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, phone number, place of business, physical description, associates, vessel, automobile, or aircraft identified with, make, year, license number and registration of vehicles, area of activity, method of operation and other relevant and necessary information on individuals suspected of activity contrary to law.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department  
Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records maintained in standard Customs file folders in locked metal cabinets.

**RETRIEVABILITY:**

System indexed by identifying file number and manually retrieved.

**SAFEGUARDS:**

File maintained in locked metal file cabinet, the keys of which are controlled by the Custodian of the files. Those departmental officials who may occasionally be granted access, consistent with their positions, have been cleared by a full field background investigation and granted appropriate security clearance for critical sensitive positions. During non-working hours, the room housing the metal cabinets is locked.

**RETENTION AND DISPOSAL:**

Negative Search Reports are destroyed after a 5 year period. Method of disposal is shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, District Patrol Division, 600 South Street, New Orleans, LA 70130; District Directors/Port Directors as applicable, in North Central Region, Chicago, IL; District Director of Customs, P.O. Box 2748, Mobile, AL 36601; District Director of Customs, U.S. Customs Service, Honolulu, HI 96819; Port Directors at the various ports of entry in the Nogales, AZ (District).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with, and consists solely of information supplied by the individual being searched and the patrol officer doing the search.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .190

**SYSTEM NAME:**

Personnel Case File—Treasury/  
Customs.

**SYSTEM LOCATION:**

Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Regional Counsel of Customs, 6 World Trade Center, New York, NY, 10048; Office of the Regional Counsel, 211 Main Street, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current or former Customs Service employees against whom disciplinary action has been proposed or taken, who have filed grievances, and who have filed complaints under the Equal Opportunity (EO) Program, in most cases where administrative proceedings have been instituted.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of investigation into alleged employee misconduct, internal Customs Service memoranda recommending



disciplinary action, documents relating to the institution or conduct of disciplinary proceedings, documents relating to the filing and administrative disposition of formal and informal grievances and documents relating to the filing and administrative disposition of EO complaints.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, United States Code; Title 5, Code of Federal Regulations; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to the Office of Personnel Management (OPM) in connection with administrative hearings and to the Department of Justice in connection with court proceedings resulting from appeals from decisions rendered at the administrative level. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted alphabetically in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified in a manual alphabetical card file by the name of the person, and each case file is similarly identified in alphabetical order within the metal container.

**SAFEGUARDS:**

The metal container described above is maintained within the Customs Service Building. During non-working hours, the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Record Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel of Customs, New York, NY, 10048; Regional Counsel of Customs, 211 Main Street, San Francisco, CA 94105.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files results from investigations into alleged misconduct on the part of Customs Service employees, recommendations from appropriate Customs Service field personnel that disciplinary proceedings be instituted against Customs Service employees, the filing of grievances by Customs Service employees, the filing of EO complaints by Customs Service employees, the statements of Customs Service employees including the employees who are directly affected by the administrative proceedings, and statements or other information provided by private non-governmental individuals.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4),

(e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs 00.193

**SYSTEM NAME:**

Operating Personnel Folder Files—Treasury/Customs.

**SYSTEM LOCATION:**

Files are located in Headquarters, Regional, District, Port and other post of duty offices throughout the Customs Service depending upon post of duty of employee. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees, present.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

In addition to the appropriate Personnel offices, records are also maintained by district, port, or other post of duty management on personnel matters such as, but not limited to name, Social Security number, awards, letters of appreciation, promotions, step increases, memoranda, forms and materials related to hiring, address, pay, transfer and separation, service time, salary, phone, education, society memberships, publications, skills, chronological work history, position descriptions, reports of discussions held with employee regarding performance, copies of letters written to employee concerning performance, overtime hours, seniority status, leave, overtime earnings, productivity, locator card information, and related employment records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose to the public for employment and salary verification upon request. (b) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent



information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders, and/or on index cards, and/or ledgers.

**RETRIEVABILITY:**

Records are indexed by name, or Social Security number.

**SAFEGUARDS:**

Records are located in lockable metal file cabinets or in secured rooms with limited access.

**RETENTION AND DISPOSAL:**

When the employee leaves the Customs Service through transfer or other separation, the file will immediately be forwarded to the office maintaining the Official Personnel Folder. There it will be screened to insure that it contains no documents that should be permanently filed in the Official Personnel Folder other than exact duplicates of papers already so filed. The file and its contents will then be destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division in each Region or Headquarters, or managerial official in appropriate posts of duty of employee. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information in this system of records comes from employee, from personnel actions as noted in official personnel folders, and from supervisor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs 00.194**

**SYSTEM NAME:**

Treasury Payroll Information System (TPIS).

**SYSTEM LOCATION:**

Satellite locations in field offices and the Payroll Branch at the National Finance Center. Financial Systems computerized through a Servicing Data Processing Center. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Customs employees, present and former.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain Payroll information such as name, Social Security number, grade, series, step, organizational codes, tax withholding information, bond purchase and issuance, emergency salaries, overtime and holiday pay, optional payroll deductions, other deductions, and historical payroll information. Certain personnel data pertaining to pay entitlements are included. Also in this system are records of time and attendance and leave.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an

individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (f) To disclose another Federal agency information to effect inter-agency salary offset. (g) To disclose another Federal agency information to effect inter-agency administration offset. However no IRS obtained address shall be disclosed to another Federal agency; (h) To disclose a consumer reporting agency information to obtain commercial credit reports. (i) To disclose a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services. Routine users outside the Department are other federal agency personnel offices; the Office of Personnel Management; U.S. Department of Labor. Office of Employee Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or E.O. 11491, as amended, for the administration of the Federal labor-management relations program as described in the routine use; creditors; federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosure pursuant to 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982; Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer



reporting agencies to encourage repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Sources and coding documents are maintained in file folders. Current and historical data are stored on magnetic tape/disk, micro-fiche, and computer printouts.

**RETRIEVABILITY:**

Records are indexed by name, Social Security number, organization code, and by Region Block code.

**SAFEGUARDS:**

Computer access is limited by user code Security level. Hard copy and microfiche records are maintained in locked files, secured rooms, or limited access.

**RETENTION AND DISPOSAL:**

Individual records are retained in TPIS system until end of calendar year of separation; Time and attendance records are maintained two (2) years at the regions.

**SYSTEM MANAGER(S) AND ADDRESS:**

Agency: Assistant Director, Office of Personnel (TPIS) U.S. Department of Treasury. Bureau: U.S. Customs Service, National Finance Center Chief, Payroll Branch.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is obtained from Official Personnel Folders employee management, time and attendance, and leave records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.196

**SYSTEM NAME:**

Preclearance Costs—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Customs Inspectors and Foreign Service employees of North Central Region, who are stationed at Toronto and Montreal, Canada.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Salaries, living allowances and benefits paid to employees who are stationed at Toronto and Montreal, Canada.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (f) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data is stored in a file folder within two metal file cabinets in the work area of the Budget Section.

**RETRIEVABILITY:**

The file is identified as the "Pre-clearance Record" which contains the names of all employees listed in alphabetical order with corresponding costs associated with each employee.

**SAFEGUARDS:**

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The files are kept for three years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in the system is obtained from the Bi-weekly Comprehensive Payroll Listing, Treasury Form 2979, supplied by the Payroll Data Center.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.197

**SYSTEM NAME:**

Private Aircraft/Vessel Inspection Reporting System—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Names of pilots and vessel masters arriving in the United States.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names and personal identifiers of pilots, vessel masters, and owners of



vessels with appropriate registration and/or documentation numbers and characteristics, and arrival dates at port of entry.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic disc and tape storage; microfiche.

**RETRIEVABILITY:**

By individual name, private aircraft/vessel registration number; vessel name.

**SAFEGUARDS:**

All inquiries are made by officers with full field background investigation on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

**RETENTION AND DISPOSAL:**

The records are periodically dated to reflect changes and maintained as long as needed, then destroyed. (Minimum of five years for aircraft arrival reports.)

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Proposed Customs Form I78 (Private Aircraft Inspection Report) which will be prepared by Customs officers, unnumbered forms prepared by vessel masters or owners who report their arrival to a United States port of entry, and other Federal agencies.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.201

**SYSTEM NAME:**

Property File, Non-Expendable—Treasury/Customs.

**SYSTEM LOCATION:**

Offices of District Directors, North Central Region, Chicago, IL (see Customs Appendix A.); Office of Logistics Management, U.S. Customs Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229; Office of the District Director, San Diego, CA; Offices of the Port Directors: San Ysidro, CA; Tecate, CA; Calexico, CA; Andrade, CA; San Diego Barge Office, and the Offices of the Customs Patrol Division, San Diego, CA; San Ysidro, CA; Calexico, CA; Tecate, CA; District Directors Office, Entry Control Section (see Customs Appendix A.); United States Customs Service, Room 228, Federal Building, 335 Merchant Street, Honolulu, HI 96813; Logistics Management Division, Southeast Region; U.S. Customs Service, 99 SE. 5th Street, Miami, FL 33131; Federal Building, Room 198, 511 NW. Broadway, Portland, OR 97209; Office of District Director, Administrative Officer, United States Customs Service, 555 Battery

Street, Room 318, San Francisco, CA 94126.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees issued non-expendable property.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Receipts for badges, cap insignias, bonded warehouse keys, identification cards, Government driver's licenses, firearms and other non-expendable property.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Locked file cabinet.

**RETRIEVABILITY:**

Folders identified by individual's name.

**SAFEGUARDS:**

During non-working hours the room/building in which the file is located is locked. Access limited to authorized Customs personnel.

**RETENTION AND DISPOSAL:**

Until employee separates/transfers. Transfer to National Personnel Records Center (NPRC), (CPR), St. Louis, MO; thirty days after employee is separated.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Directors in North Central Region, Chicago, IL; Director, Office of Logistics Management, U.S. Customs Service, Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229; District Director, Port Directors, and Division Directors within the San Diego Customs District (see Customs Appendix A); Chief, Headquarters Support Branch, Logistics Management Division, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229;



Local Property Officer, Room 228, Federal Building, Entry Control Section, 335 Merchant Street, Honolulu, HI 96813; Director, Logistics Management Division, United States Customs Service, Southeast Region, 99 SE. 5th Street, Miami, Florida 33131; District Director, Federal Building, Room 198, 511 NW. Broadway, Portland, OR 97209; Administrative Officer, U.S. Customs Service, 555 Battery Street, Room 318, San Francisco, CA 94126.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system consists of receipts of employees receiving non-expendable property.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.206

**SYSTEM NAME:**

Regulatory Audits of Customhouse Brokers—Treasury/Customs.

**SYSTEM LOCATION:**

Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, and at each of the seven regional offices of Regulatory Audit (see Customs Appendix A for addresses).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons licensed to do business pursuant to 19 U.S.C. 1641.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Audit reports of customs broker accounts and records; correspondence regarding such reports; Congressional inquiries concerning customs brokers and disposition made of such inquiries; names of officers of customs broker firms, license numbers and dates issued and district covered.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

19 U.S.C. 1641; 19 CFR part 111.5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose

pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, SAFEGUARDING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each custom broker permanent file is inserted in alphabetical order by name of the firm in an unlocked drawer within a metal file cabinet located in one or more regulatory audit offices. Each customs broker workpaper file is similarly stored, but maintained in numerical order by audit report number.

**RETRIEVABILITY:**

Each broker permanent file is readily retrievable when the name is given, while the workpaper file is retrievable after obtaining the audit report file number from within the permanent file.

**SAFEGUARDS:**

The files described above are maintained within the respective regulatory audit offices. During non-working hours, the offices in which the files are located are locked.

**RETENTION AND DISPOSAL:**

Customhouse broker files are generally retained in each office at least three years, after which they are placed

in General Service Administration long-term archival storage.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Regulatory Audit Division, United States Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229. Deputy Assistant Regional Commissioner, Regulatory Audit at each of the seven regional offices (see Customs Appendix A for addresses).

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates in connection with customs broker audits conducted by the regional regulatory audit staffs. The audits may be supplemented with information furnished by the Office of the Regional Counsel, Office of Enforcement, and the Office of Regulations and Rulings. These audits include examinations of brokers business records, including data maintained in support of client customs business.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.207

**SYSTEM NAME:**

Reimbursable Assignment System—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs Service employees who perform reimbursable services and parties in interest for whom reimbursable services are performed.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, Social Security number or importer of record number assigned by the Customs Service, listings of reimbursable overtime assignments of Customs employees, bills and refund checks issued to parties in interest, travel expenses incurred by Customs employees in connection with the reimbursable services.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

19 U.S.C. 261, 267, and 1451; 19 CFR 24.16 and 24.17; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The information in this system is contained in a computerized system utilizing magnetic tape storage techniques.

**RETRIEVABILITY:**

The information in this system is retrieved by the individual's Social Security number or by the individual's importer of record number.

**SAFEGUARDS:**

Procedural and physical safeguards are utilized such as accountability and receipt access, guards patrolling the area, restricted access and alarm systems.

**RETENTION AND DISPOSAL:**

The records in this system are retained in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Accounting Division, U.S. Customs Service Headquarters, 1301 Constitution Ave, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with the receipt of a request, for reimbursable services from the party in interest. In addition, information in this system is derived from Customs Form 5106 (Notification of Importer's

Number/Application for Importer's Number) which is filed with the Customs Service by the importer, and from Customs Form 6082 (Work Ticket) which is filed by the Customs Inspector who performed the reimbursable services.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.208

**SYSTEM NAME:**

Restoration of Forfeited Annual Leave Cases—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Personnel Management Division of each region and Headquarters according to list in Customs Appendix A.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the U.S. Customs Service who have applied for restoration of forfeited annual leave.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Employee applications for restoration of leave. Management decisions on employee applications for restoration of leave. Applicable regulations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or

settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are stored in manila folders.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in locked files.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division, in each region and Headquarters.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Evidential materials supporting employee applications for restoration of forfeited annual leave. Evidential materials supporting management decisions.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.209

**SYSTEM NAME:**

Resumes of Professional Artists—Treasury/Customs.

**SYSTEM LOCATION:**

Area Director, New York Seaport Area, 6 World Trade Center, New York, NY 10048.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Professional Artists.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Artist's name and professional art background.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper.

**RETRIEVABILITY:**

Alphabetical listing.

**SAFEGUARDS:**

Filing cabinet, office locked at end of day.

**RETENTION AND DISPOSAL:**

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Area Director New York Seaport Area, 6 World Trade Center, New York, NY 10048.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Resume information provided by artist.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.210

**SYSTEM NAME:**

Revocation of I.D. Privileges and "Cash Basis Only" for Reimbursable Services List—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division—Districts and Ports, 99 SE. 5th Street, Miami, FL 33131.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Corporate and Individual Brokers, Importers, Carriers, and Private Individuals.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Corporations and individuals in financial difficulty.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Files are maintained in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

Alpha File in Manila Folder by Month.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

**RETENTION AND DISPOSAL:**

These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Financial Management, 99 SE. 5th Street, Miami, FL 33131.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Generated in house by Accounting Personnel from delinquent bill listings and open file of outstanding bills. Additionally, feedback from Districts and Ports on bankrupt firms and from Regulatory Audit Division on firms in Financial difficulty or under investigation.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.211

**SYSTEM NAME:**

Sanction List Treasury/Customs.

**SYSTEM LOCATION:**

Director, U.S. Customs, National Finance Center, P.O. Box 68907, Indianapolis, Indiana 46228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who are indebted to the United States Government for bills that are unpaid and past due.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listing is issued weekly showing individual's name and address plus number and amount of unpaid and past due bills.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each sanction list is stored in a file drawer in an unlocked file cabinet.

**RETRIEVABILITY:**

Each sanction list is identified by month and year of issuance.

**SAFEGUARDS:**

The file cabinet described above is maintained within the area assigned in the Customs Office. During non-working hours the room and/or building in which the file cabinet is located is locked.

**RETENTION AND DISPOSAL:**

Retained in Customs Office for minimum of one year. Disposal in accordance with Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, U.S. Customs, National Finance Center, P.O. Box 68907, Indianapolis, Indiana 46022.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this listing is secured from CF 6084 Bill Form issued to each individual and correspondence files maintained for individuals.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.212

**SYSTEM NAME:**

Search/Arrest/Seizure Report—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Enforcement Offices of the U.S. Customs Service. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have or may have violated a law of the United States.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, alias, date of birth, age, personal data, addresses, home and business telephone numbers, occupation, background information, associations, license number and registration number of vehicle, vessel and/or aircraft, mode of entry of

individual or contraband, fingerprints, pictures, declaration forms, cash receipts, receipt for seized goods, all other forms pertinent to the case, such as Notice to Master, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Each case is placed in a folder which is filed in a numerical order according to the assigned case file number. These files are kept in a locked metal cabinet.

**RETRIEVABILITY:**

The above-mentioned case file numbers are cross-indexed by name to such numbers, and cards are filed alphabetically within a metal file box.

**SAFEGUARDS:**

The metal file cabinet and the metal file box are located within an office that is locked during non-working hours.

**RETENTION AND DISPOSAL:**

These cases are retained for a period of three years after which they are destroyed together with related index cards.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, District Patrol Division. (See Customs Appendix A.)

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4), (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.214

**SYSTEM NAME:**

Seizure File—Treasury/Customs.

**SYSTEM LOCATION:**

Special Agent in charge, Room 508, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Ships masters, ships crew members, longshoremen, vessels, private aircraft, private vessels, individuals from whom seizures have been made, or upon whom Memoranda of Information Received and Reports of Investigation have been written.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Memoranda of Information Received and reports of Investigation which are reports from law enforcement agencies of suspects or arrests. Reports of Seizures by Customs, other information indicating violators or suspected violators.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or



regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Manila files within metal file cabinets.

**RETRIEVABILITY:**

Alphabetical; for aircraft or car by number; by seizure number; by name of individual.

**SAFEGUARDS:**

Room has a 24-hour guard and is locked.

**RETENTION AND DISPOSAL:**

Seizure files are maintained for three years after final disposition. Memoranda of Information Received are maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Patrol Division, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs 00.215

**SYSTEM NAME:**

Seizure Report File—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Mail Facility, Room 416, 1675-7th Street, Oakland, CA 94615.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals to whom prohibited merchandise is addressed.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, property description, estimated foreign value, duty, domestic value, circumstances of seizure, sender, section of law violated, delivery to San Francisco seizure clerk.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information in this system is contained on Customs Form 6051

Custody Receipt for Retained or Seized Property and Customs Form 151-Search/Arrest/Seizure Report. These forms are placed within file folders which are located in a metal file cabinet.

**RETRIEVABILITY:**

Each Seizure Report and Custody Receipt (stapled together) are identified by the name of the person to which the seized items are addressed and the names are filed by seizure number by fiscal year.

**SAFEGUARDS:**

The file folders are placed within a metal cabinet which is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted in the building.

**RETENTION AND DISPOSAL:**

Last three fiscal years records are kept in a file cabinet in the office.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Mail Branch. See location above.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with and consists of information obtained from mail shipments.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.217

**SYSTEM NAME:**

Set Off Files—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, 99 SE, 5th Street, Miami, FL 33131.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Importer of Record, customhouse broker, parties in interest.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, address, identification number, copies of refund checks and copies of set off bills.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Files are maintained in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

File folders with individual's name annotated with set off.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

**RETENTION AND DISPOSAL:**

These files are retained as prescribed by GAD Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Financial Management, 99 SE. 5th Street, Miami, FL 33131.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

District Directors, Port Directors, Import Control Officers, External Auditors and Other Customs Employees.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.219

**SYSTEM NAME:**

Skills Inventory Records—Treasury/Customs.

**SYSTEM LOCATION:**

Personnel Management Division, U.S. Customs Service, Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Records are maintained in this system on Customs personnel in grades GS-13 and above.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Data elements to provide a complete skills profile of the employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on a Customs Form 121 and Mag-tape.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in locked file and limited access to computer system.

**RETENTION AND DISPOSAL:**

Records are maintained until separation of an employee from the Customs Service.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division, U.S. Customs Service, Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

CF-121 which is prepared by the employee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.220

**SYSTEM NAME:**

Supervisory Notes and Files SF-7B—Treasury/Customs.

**SYSTEM LOCATION:**

Records are located with the immediate supervisor or at the immediate supervisor's operating office. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

SF-7B card contains identical information to that contained on SF-7 card; in addition it can have attached or separately-maintained supervisory notes concerning an employee's performance on-the-job, conduct, counseling sessions, training recommended or taken, awards granted, emergency contact information, job assignments, to be used for administration resource purposes in recommending or authorizing discipline, recognition, assignment of performance rating, training, job assignments, leave requests, and/or similar matters.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the



request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in manila folders or special file cabinets.

**RETRIEVABILITY:**

Records are indexed by organizational code and name.

**SAFEGUARDS:**

Records are stored in lockable metal filing cabinets or in a secured room. Alternative storage facilities may be employed provided they furnish an equivalent or greater degree of physical security.

**RETENTION AND DISPOSAL:**

Records are retained while employee is employed, and are destroyed upon separation.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Labor Employee Relations Division, Office of Human Resources, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

Write to systems manager specifying type and location of information requested and name and provide your social security number and supervisor's name, title and office location.

**RECORD ACCESS PROCEDURES:**

Write to systems manager.

**CONTESTING RECORD PROCEDURES:**

Write to systems manager.

**RECORD SOURCE CATEGORIES:**

Form SF-50, Employee and employee's supervisors.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs 00.224

**SYSTEM NAME:**

Suspect Persons Index—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs District Officers located at the following addresses: 620 E. 10th Avenue, Anchorage, AK 99501; 215 1st Avenue, No., Great Falls, MT 59401; 335 Merchant, Honolulu, HI 96813; 511 NW

Broadway, Portland, OR 99209; 555 Battery Street, San Francisco, CA 94126; First & Marion Sts., Seattle, WA 98714.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons suspected of violation of Customs Laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and related file number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in folders and stored in metal file cabinet.

**RETRIEVABILITY:**

The office and building are locked during non-working hours.

**SAFEGUARDS:**

Alphabetical by use of cross index.

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with Records Disposal Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director of Customs. See location above.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .226

**SYSTEM NAME:**

Television System—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Port Director, U.S. Border Station, San Ysidro, CA 92073.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons involved in incidents related to a secondary search and subsequent disturbance while entering the United States from Mexico.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

An audio-video cassette recording of persons being escorted into, as well as inside, the secondary offices of the Customs area of the Port of Entry.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended, and the Customs Regulations.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or



the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Audio-video cassette.

**RETRIEVABILITY:**

By subject's name, date, and time.

**SAFEGUARDS:**

Cassettes are under control of Port Director and released only to the courts when subpoenaed or when requested to be reviewed by subject and his attorney.

**RETENTION AND DISPOSAL:**

All cassettes with incidents are retained for six months. Those on which some action may be taken are retained for one year or close of the case. Cassettes are reusable. Therefore, erasure occurs when new recording takes place.

**SYSTEM MANAGER(S) AND ADDRESS:**

Port Director, U.S. Border Station, San Ysidro, CA 92073.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

Audio-video recording of persons being escorted into the Customs area.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None

**Treasury/Customs .227**

**SYSTEM NAME:**

Temporary Importation Under Bond (TIB) Defaulter Control System—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service, Office of Enforcement Support, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have been denied T.I.B. privileges because of failure to pay outstanding liquidated damages.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name, personal identifying numbers and characteristics, address, company and case description, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

(1) Magnetic disc and tape storage; (2) Hard Copy; (3) Microfiche files.

**RETRIEVABILITY:**

Indexing is by violator name.

**SAFEGUARDS:**

All inquiries are made by officers with full field background investigations on a "need to know" basis only. Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

**RETENTION AND DISPOSAL:**

Records are disposed of in accordance with the requirements of the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Enforcement Support, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

Customs officers completing Customs Form 164 (TECS-TIB Defaulter Control).

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .228**

**SYSTEM NAME:**

Temporary Importation Violation Record Treasury/Customs.

**SYSTEM LOCATION:**

Fines, Penalties and Forfeitures Section, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons making importations against Temporary Importation Bonds.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The record reveals the individual's or customhouse broker's name, case number assigned and date, amount of penalty incurred, mitigated sum or



remission and date closed. The record results in a summary of repetitive violations by any one individual, firm or customhouse broker and disciplinary action toward reduction or elimination of violations.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Temporary Importation Record Cards are filed alphabetically in an unlocked metal file cabinet.

**RETRIEVABILITY:**

Each record card is filed alphabetically within the metal cabinet.

**SAFEGUARDS:**

The metal cabinet described above is maintained within the area assigned to the Fines, Penalties and Forfeitures Section in Room 102, of the Customhouse, Philadelphia, PA; during non-working hours, access to the

building and area of storage is controlled by uniformed guards.

**RETENTION AND DISPOSAL:**

Temporary Importation Record Cards are retained at location for three years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director of Customs, Room 102, U.S. Customhouse, Second and Chestnut Streets, Philadelphia, PA 19106.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

The information contained on the cards originated from liquidated damage cases instituted for failure to comply with T.I.B. provision.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .232**

**SYSTEM NAME:**

Tort Claims Act File—Treasury/Customs.

**SYSTEM LOCATION:**

Office of the Regional Counsel, Room 7422, New Federal Building, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel of Customs, 6 World Trade Center, New York, NY 10048; Office of the Regional Counsel, U.S. Customs Service, North Central Region, 55 E. Monroe Street, Room 1417, Chicago, IL 60603; Office of Regional Counsel, Suite 1220, 500 Dallas Street, Houston, TX 77002; Office of the Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, DC 20229; Office of District Counsel, 555 Battery Street, San Francisco, CA 94126; and Office of District Counsel, 909 First Avenue, Seattle, Washington, 98174.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Private persons who have filed or may file claims under the Federal Tort Claims Act for property damage or personal injury allegedly caused by a wrongful or negligent act or omission on the part of a Customs Service employee while acting within the scope of his employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports of Investigation regarding accidents involving Customs employees, documents relating to the administrative handling of the claims filed thereon, and documents submitted by the claimant in support of the claim.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

28 U.S.C. 2672, *et seq.*; 28 CFR 14.1, *et seq.*; 31 CFR 3.1, *et seq.*; Treasury Department Administrative Circular No. 131, dated August 19, 1965.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Each case file is inserted in a numerical file folder which is filed in an unlocked drawer within a metal container.

**RETRIEVABILITY:**

Each case file is identified in the numerical file folder within the metal container by the name of the person who has filed or may file a claim



**SAFEGUARDS:**

During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed guards.

**RETENTION AND DISPOSAL:**

Tort claim files are retained until there is no longer any space available for them within the metal container, at which time the oldest closed files are transferred to the Federal Records Centers.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Counsel, Room 7422, United States Customs Service, 300 N. Los Angeles Street, Los Angeles, CA 90053; Regional Counsel, U.S. Customs Service, 6 World Trade Center, New York, NY 10048; Regional Counsel of Customs, Room 1417, U.S. Customs Service, 55 E. Monroe Street, Chicago, IL 60603; Regional Counsel, Suite 1220, U.S. Customs Service, 500 Dallas Street, Houston, TX 77002; Chief Counsel, U.S. Customs Service Headquarters, 1301 Constitution Avenue, NW, Washington, DC 20229; Office of District Counsel, 55 Battery Street, San Francisco, CA 94126; and Office of District Counsel, 909 First Avenue, Seattle, Washington 98174.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in these files originates with a Standard Form 95 (Claim for Damage or Injury) which is completed and filed with the Customs Service by the claimant. Using these forms as a basis, investigations are conducted by authorized Customs Service investigative personnel in order to determine the facts surrounding the claims. During these investigations information may be elicited from Customs Service employees, private persons, or any other parties who may have information regarding the facts surrounding the claims. When a claim is not filed, the information is limited to the investigative reports of the property damage or personal injury.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the privacy Act pursuant to 5 U.S.C. 552a (k)(2).

Treasury/Customs .234

**SYSTEM NAME:**

Tort Claims Act File—Treasury/Customs.

**SYSTEM LOCATION:**

Offices of the District Directors, North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals presenting claims of damage to personal property resulting from Customs activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Written damage claims supported by estimates, bills, claim forms and internal Customs Service memoranda.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 CFR Part 3; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Filed in cabinets in the District Directors offices.

**RETRIEVABILITY:**

Folders filed in alphabetical sequence.

**SAFEGUARDS:**

File cabinets are located within the area assigned in the Customs office. During non-working hours the room in which the cabinets are located is locked.

**RETENTION AND DISPOSAL:**

Retained in District Directors offices for three years then transferred to the Federal Records Centers for seven years and three months prior to destruction.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director as appropriate in the North Central Region, Chicago, IL. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with a written claim

submitted by the claimant, as well as information supplied on Standard Form 95 and internal Customs memoranda.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .238

**SYSTEM NAME:**

Training and Career Individual Development Plans—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Personnel Management Division of each region and headquarters and/or district, ports, and post of duty of employees.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All U.S. Customs employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records are maintained on training or other development activities completed and/or planned for individual employees, whether for programs such as Executive Development or Upward Mobility, or other special emphasis development programs. Records also include such things as, but not limited to skills, abilities, education, experience, career plans and goals, and other related information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are located in file folders, and/or official personnel folder.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in locked file or office.



**RETENTION AND DISPOSAL:**

Records are retained until separation or until employee is no longer part of a special emphasis program.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Personnel Management Division, in each region and headquarters.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

Information is obtained from the employee and supervisors.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .239

**SYSTEM NAME:**

Training Records—Treasury/Customs.

**SYSTEM LOCATION:**

Scheduling Office, U.S. Customs Service Academy, FLETC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees who have completed training.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Standard Form 182, Request Authorization, Agreement and Certification of training. Selected information also recorded in individuals permit record, and a copy of the form is filed in the individual's official personnel folder.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders, on file cards, on Training forms, or on discs.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

Records are maintained in a locked file or room, or with limited access.

**RETENTION AND DISPOSAL:**

Records are maintained for up to three years after employee separates from the Service.

**SYSTEM MANAGER(S) AND ADDRESS:**

National Director of Training, U.S. Customs SVC Academy, FLETC.

**NOTIFICATION PROCEDURE:**

U.S. Customs Service Academy, Building 70—FLETC, Glynco, GA 31524.

**RECORD ACCESS PROCEDURES:**

U.S. Customs Service Academy, Building 70—FLETC, Glynco, GA 31524.

**CONTESTING RECORD PROCEDURES:**

U.S. Customs Service, Director, Office of Human Resources, 1301 Constitution Avenue, NW., Washington, DC 20229.

**RECORD SOURCE CATEGORIES:**

Information for this file is obtained from supervisors, managers, instructors, educational institutions, and/or training facilities such as the Office of Personnel Management, Department of the Treasury, etc.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .243

**SYSTEM NAME:**

Travel Payment System—Treasury/Customs.

**SYSTEM LOCATION:**

U.S. Customs Service, National Finance Center, 6026 Lakeside, Indianapolis, IN 46268.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs Service employees who travel on official business. Private individual traveling on behalf of U.S. Customs Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Travel authorizations, travel vouchers, and travel advance records, which contain the employee's name, residence, place and mode of travel,

travel dates, month of travel advance, expenses incurred, amount of travel advance, amount of advance outstanding and division code.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (c) To disclose to another federal agency information to effect inter-agency salary offset; (d) To disclose another federal agency information to effect inter-agency administrative offset. However, no IRS obtained address shall be disclosed to another federal agency; (e) To disclose a consumer reporting agency information to obtain commercial credit reports; (f) and to disclose a debt collection agency information for debt collection services. Current mailing addresses acquired from the Internal Revenue Service which become a part of this system are routinely released to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services.

Routine users outside the Department are other federal agency personnel offices: The Office of Personnel Management, U.S. Department of Labor, Office of Employees Compensation; State unemployment offices; union representatives, arbitrators, and other third-parties who have responsibilities under a Customs Service-union contract or Executive Order 11491, as amended, for the administration of the Federal labor-management in relations program as described in the routine use; creditors; Federal agencies; consumer reporting agencies to obtain credit reports; debt collection agencies; Members of Congress; next-of-kin; and voluntary guardian and other representative or successor in interest.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12) and Section 3 of the Debt Collection Act of 1982: Debt information concerning a Government claim against an individual is also furnished, in accordance with 5 U.S.C. 552a(b)(12)



and Section 3 of the Debt Collection Act of 1982 (Pub. L. 97-365), to consumer reporting agencies to encourage repayment of an overdue debt.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information in this system is contained on index cards placed within a file box, in file folders or on separate sheets of paper within a metal container and in a computer system utilizing magnetic disc storage techniques, and on microfiche maintained within the National Finance Center.

**RETRIEVABILITY:**

The information is filed alphabetically by the name of the traveling individual; each file folder is placed within the metal container alphabetically by the name of the traveling individual to whom it pertains; the separate sheets of paper are grouped in disbursement schedule number sequence by consecutive numbers and dates showing a listing of payments to travelers; the computer records are retrieved by the accounting number assigned by the Customs Service for each separate travel transaction.

**SAFEGUARDS:**

The room in which this system of records is located is locked during non-working hours, the building is protected by an alarm service, and only authorized persons are permitted within the building.

**RETENTION AND DISPOSAL:**

The records in this system are retained and disposed of in accordance with the requirements of the Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Directors, U.S. Customs Service National Finance Center, 6026 Lakeside Boulevard, Indianapolis, IN 46268 Management Divisions in each region and headquarters. (See Appendix A for addresses.)

**NOTIFICATION PROCEDURE:**

Director, U.S. Customs Service, National Finance Center, 6026 Lakeside Boulevard, Indianapolis, IN 46268.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

The information in this system is derived from information supplied by

the traveling individual and from organizational and accounting information maintained by the Customs Service.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .244**

**SYSTEM NAME:**

Treasury Enforcement Communications System (TECS)—Treasury/Customs.

**SYSTEM LOCATION:**

Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Violators or suspected violators of U.S. Customs or related laws (some of whom have been apprehended by Customs officers); (2) Individuals who are suspected of, or who have been arrested for, thefts from international commerce; (3) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries; (4) Fugitives with outstanding warrants—Federal or state; (5) Victims of U.S. Customs law violations; (6) Masters associated, in the capacity of ship agent or representative, with vessels in actual or suspected violation of U.S. Customs and related laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Every possible type of information which contributes to effective law enforcement may be maintained in this system of records. Records include but are not limited to records pertaining to known violators, wanted persons, lookouts (temporary and permanent), and document reference records, vessel names and search results. Information about individuals includes but is not limited to name, alias, date of birth, address, physical description, various identification numbers (i.e., seizure number), details and circumstances of a search, arrest, or seizure, case information such as merchandise and values, methods of theft, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies

responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic disc and tape, microfiche, and hard copy.

**RETRIEVABILITY:**

By name (individual or master, owner, or agent name when concerning vessel violation profile); unique identifiers, identification numbers (i.e. personal, seizure number, system identification number); cargo location code or vessel name.

**SAFEGUARDS:**

(1) All officers making inquiries have had a full field background investigation and are given information on a "need to know" basis only. (2) Procedural and physical safeguards are utilized such as accountability and receipt records, guards patrolling the area, restricted access and alarm protection systems, special communications security, etc.

**RETENTION AND DISPOSAL:**

Review is accomplished by Customs officers each time a record is retrieved and on a periodic basis to see if it should be retained or modified. Since



both temporary and permanent records are maintained, period of retention will vary with type record entered. The records are disposed of by erasure of magnetic tape or disc, and by shredding and/or burning of hard copy documents.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Border Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

**Treasury/Customs .249**

**SYSTEM NAME:**

Uniform Allowances—Unit Record—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, 99 SE. 5th Street, Miami, FL 33131; Management Services Branch, Administration Division, District Director, San Juan, PR 00903; Financial Management Division, U.S. Customs Service, Northeast Region, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

U.S. Customs Employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name—Record of Uniform Allowance payments.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Files are maintained in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

Alphabet by name. Appropriation Accounting Document Number.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked and access to the building is controlled by uniformed guards.

**RETENTION AND DISPOSAL:**

These files are retained as prescribed by GAO Regulations or until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Centers.

**SYSTEM MANAGER(S) AND ADDRESS:**

Direction of Financial Management, 99 SE. 5th Street, Miami, FL 33131; District Director, U.S. Customs Service, P.O. Box 2112, Old San Juan, PR 00903; Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, above.

**RECORD SOURCE CATEGORIES:**

From Memoranda received from Districts. Data Transcribed from Payment Vouchers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .251**

**SYSTEM NAME:**

Unscheduled Overtime Report (Customs Form 31)—Treasury/Customs.

**SYSTEM LOCATION:**

Director, Office of Operations, 6 World Trade Center, Room 508, New York, NY 10048.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Special Agents assigned to the office of Regional Director of Investigations authorized to receive unscheduled overtime remuneration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Customs Form 31 enumerates the nature of overtime performed, the number of hours and the date on which

the overtime was performed and the case number of investigation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information in this system is contained on CF 31, the forms are contained within a file folder and are placed in a metal file cabinet.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

The file cabinet is maintained within the area assigned to the Regional Director of Investigations, New York, within the Customhouse. During non-working hours the complex in which the file is located is locked and access to the building is controlled at all times by uniform guards.

**RETENTION AND DISPOSAL:**

The forms are destroyed after three (3) years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Regional Director of Investigations. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates from the Special Agent who performs the unscheduled overtime.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury/Customs .252****SYSTEM NAME:**

Valuables Shipped Under the Government Losses in Shipment Act—Treasury/Customs.

**SYSTEM LOCATION:**

District Director of Customs, 610 S. Canal Street, Chicago, IL 60607.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Customs employees collecting and transmitting funds to cashier for deposit.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of employee, collection document serial numbers, amount of collection.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 300.30, Customs Accounting Manual; 5 U.S.C. 134f; 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

- (a) Disclosure to those officers and employees of the Customs Service and the Department of the Treasury who have a need for the records in the performance of their duties; (b) Disclosures required in administration of the Freedom of Information Act (5 U.S.C. 552).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Filed in folders with the individual's name appearing at the top thereof in a file cabinet.

**RETRIEVABILITY:**

Each record folder is filed by name of individual.

**SAFEGUARDS:**

The cabinet described above is maintained within the area assigned in the Customs office. During non-working hours the area in which the cabinet is located is secured.

**RETENTION AND DISPOSAL:**

Retained for three years and then forwarded to FRC for seven years retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, as appropriate, in the North Central Region, Chicago, IL.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Data submitted by individual Customs employee involved.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .258****SYSTEM NAME:**

Violator's Case Files—Treasury/Customs.

**SYSTEM LOCATION:**

District Director of Customs, U.S. Customs Service, Main and Stebbins Streets, St. Albans, VT 05478.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals involved in smuggling, filing false invoices, documents or statements, violators of Customs bonds.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual's name and address, Social Security number and physical description; alias, occupation, type of violation, previous record, driver's license, passport number.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to

opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders and 3 x 5 index cards.

**RETRIEVABILITY:**

Alphabetized by name of individual and local control number.

**SAFEGUARDS:**

Files are under the supervision of Fines, Penalties and Forfeitures Officer from 8 a.m. to 5 p.m., Monday through Friday. All other hours, office remains locked.

**RETENTION AND DISPOSAL:**

Files are maintained in the office of the Fines, Penalties, and Forfeitures Officer for a period of five years. At the conclusion of this period, they are destroyed by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, U.S. Customs Service, St. Albans, VT 05478.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

**Treasury/Customs .260****SYSTEM NAME:**

Warehouse Proprietor Files—Treasury/Customs.

**SYSTEM LOCATION:**

Offices of District Directors, North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past warehouse proprietors and employees that require an investigation and related information.



**CATEGORIES OF RECORDS IN THE SYSTEM:**

Report of investigations, application and approval or denial of bond to act as warehouse proprietor and other Customs Service Memoranda. Names, addresses, Social Security numbers, and dates and places of birth of persons employed.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Customs Regulations, Part 19, 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL 60603.

**RETRIEVABILITY:**

Each file is identified by the name of the warehouse proprietor.

**SAFEGUARDS:**

The file cabinets are maintained within the area assigned to the District Director. During non-working hours the room and/or building in which the file cabinet is located is locked.

**RETENTION AND DISPOSAL:**

Employee name data retained for period of employment with warehouse proprietor.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, as appropriate in the North Central Region, Chicago, IL 60603. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this file originates from the individual applicant for warehouse proprietor's bond, from reports of investigation, and other Customs Memoranda.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (k)(2).

**Treasury/Customs .262****SYSTEM NAME:**

Warnings to Importers in lieu of penalty—Treasury/Customs.

**SYSTEM LOCATION:**

Located in the Office of the District Director, 880 Front Street, San Diego, CA 92318; Offices of the Port Directors, U.S. Border Station, San Ysidro, CA 92073; P.O. Box 189, Tecate, CA 92080; P.O. Box 632, Calexico, CA 92231; 235 Andrade Road, Winterhaven, CA 92283; Andrade, CA; San Diego Barge Office.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and firms in violation of Customs' laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Brief record of violation and warning.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or

prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on 5 x 7 cards.

**RETRIEVABILITY:**

Alphabetically indexed.

**SAFEGUARDS:**

Not accessible to other than Customs officers.

**RETENTION AND DISPOSAL:**

The records are disposed of in accordance with the Treasury Records Control Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Director, Port Directors, and Division Directors within the San Diego Customs District. (See Customs Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Customs Officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



## Treasury/Customs .268

## SYSTEM NAME:

Military Personnel and Civilian Employees' Claims Act File—Treasury/Customs.

## SYSTEM LOCATION:

Office of the Regional Counsel, Suite 1220, 500 Dallas Street, Houston, TX 77002.

## CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Customs employees filing claims under the Military Personnel and Civilian Employees' Claims Act of 1964.

## CATEGORIES OF RECORDS IN THE SYSTEM:

Documents relating to the administrative handling of the claim and documents submitted by the claimant in support of the claim.

## AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 240-243; 31 CFR Part 4; Treasury Department Administrative Circular No. 131, August 19, 1965; 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

## POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

## STORAGE:

Each case file is inserted alphabetically in a file folder which is filed in an unlocked drawer within a metal container.

## RETRIEVABILITY:

Each case file is identified alphabetically in the file folder within the metal container by the name of the person who filed the claim.

## SAFEGUARDS:

The metal container described above is maintained within the area assigned to the Office of the Regional Counsel (12th floor), 500 Dallas Street, Houston, TX 77002. During non-working hours the room in which the metal container is located is locked, and access to the building is controlled at all times by uniformed security guards provided by the lessor.

## RETENTION AND DISPOSAL:

These files are retained until closed at which time the closed files are transferred to the Director, Logistics Management Division, Office of the Regional Commissioner, Houston, TX, for ultimate transportation to the Federal Record Center.

## SYSTEM MANAGER(S) AND ADDRESS:

Regional Counsel, Suite 1220, United States Customs Service, 500 Dallas Street, Houston, TX 77002.

## NOTIFICATION PROCEDURE:

See Customs Appendix A.

## RECORD ACCESS PROCEDURES:

See Customs Appendix A.

## CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

## RECORD SOURCE CATEGORIES:

The information contained in these files originates with the Treasury Department Form No. 3079, Civilian Employee Claim For Loss or Damage to Personal Property, which is completed and filed with the Customs Service by the claimant. Additional information contained in these files may be separately provided by the claimant or by the claimant's supervisor.

## SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

## Treasury/Customs .269

## SYSTEM NAME:

Accounts Payable Voucher File—Treasury/Customs.

## SYSTEM LOCATION:

Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

## CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All South Central Region personnel to whom travel and other disbursements are made. All individuals who provide goods and services to the South Central Region.

## CATEGORIES OF RECORDS IN THE SYSTEM:

Invoices and travel/other vouchers and supporting disbursements schedules.

## AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

## ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (b) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

## POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

## STORAGE:

File folders in unlocked file cabinets.

## RETRIEVABILITY:

By name.

## SAFEGUARDS:

Usage limited to Regional personnel; cabinets are located in rooms which are locked during non-working hours.

## RETENTION AND DISPOSAL:

In accordance with Records Control Manual; records are disposed of when no longer needed.

## SYSTEM MANAGER(S) AND ADDRESS:

Director, Financial Management Division, U.S. Customs Service, South Central Region, 1440 Canal Street, New Orleans, LA 70112.

## NOTIFICATION PROCEDURE:

See Customs Appendix A.

## RECORD ACCESS PROCEDURES:

See Customs Appendix A.

## CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

## RECORD SOURCE CATEGORIES:

Invoices and travel/other vouchers submitted by the individual.

## SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

## Treasury/Customs .270

## SYSTEM NAME:

Background—Record File of Non-Customs Employees—Treasury/Customs.

## SYSTEM LOCATION:

Offices of District Directors, For addresses. (See Customs Appendix A.)

## CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and past non-Customs personnel requiring a background



investigation to gain admittance to restricted U.S. Customs premises.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Report of background investigations, names, addresses, Social Security numbers and date and place of birth, etc. of non-Customs employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in file folders and stored in file cabinets in each District Director's office within the North Central Region, Chicago, IL 60603.

**RETRIEVABILITY:**

Each file is identified by the name of the non-Customs employee.

**SAFEGUARDS:**

The file cabinets are maintained within the area assigned to the District Director. During non-working hours the

room and/or building in which the file cabinet is located is locked.

**RETENTION AND DISPOSAL:**

Employee name data is retained during the period the non-Customs employee requires admittance to restricted areas.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Directors, of Customs (For addresses, see United States Customs Service—Appendix A.)

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this file originates from the individual non-Customs employee working for a private contractor who requires admittance to restricted U.S. Customs premises, from reports of background investigation which include interviews of Customs personnel and private parties and from other Customs internal documents.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4)(G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

**Treasury/Customs .271**

**SYSTEM NAME:**

Cargo Security Record System—Treasury/ Customs.

**SYSTEM LOCATION:**

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Drivers of motor vehicles of licensed cartmen and lightermen; properties and operators of each class of Customs bonded warehouse and their employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records on drivers of motor vehicles contain information relating to personal statistical data, physical characteristics, history of past employments, previous five years residences, alias (if any), citizenship, military records, criminal record other than traffic violations, use of narcotic drugs, and photograph. Name

of operator of bonded warehouse and employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folder with Customs Form 3078, Customs Form 73, Photographs, and correspondence; For bonded warehouses, file folder contains customs Form 3581 and names, addresses, and Social Security number of all employees; all stored in metal file cabinet. Alphabetical list of current I.D. cards issued on drivers retained in file folder and stored in desk drawer.

**RETRIEVABILITY:**

By individual name or corporate name.



**SAFEGUARDS:**

Unlocked metal file cabinet and desk drawer of customs employee; building secured after hours.

**RETENTION AND DISPOSAL:**

Information on drivers is retained in an active file until revoked or canceled. After revocation or cancellation, the information folder is placed in an inactive file for a period of five years, after which time the records are disposed of in accordance with the General Services Administration Records Disposal Manual. Information on proprietor bonded warehouse operators and employees is retained on file until Customs bonded operations cease and are discontinued, then are maintained in an inactive file for a period of three years. Final disposition is in accordance with the GSA Records Disposal Manual.

**SYSTEM MANAGER(S) AND ADDRESS(ES):**

District Director, 600 South Street, New Orleans, LA 70130; District Director, P.O. Box 2748, Mobile, AL 36601.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Information is obtained from applicant (individual or corporation) and from reports of investigation on drivers obtained from Regional Director, Investigations, U.S. Customs Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

Treasury/Customs .272

**SYSTEM NAME:**

Currency Declaration File (Customs Form 4790)—Treasury/Customs.

**SYSTEM LOCATION:**

One or more offices of District Directors of Customs or suboffices under the District Director's jurisdiction (for addresses of District Directors, see Customs Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals departing from or entering the country who filed Customs Form 4790.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name, identifying number, birth date, address, citizenship, visa date and place, immigration alien number, kinds and amounts of monetary instruments, address in the United States or abroad, passport number and country, and arrival or departure information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 1101; 5 U.S.C. 301; Treasury Department Order No. 165, revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

The Form 4790 is maintained in a file folder or binder in an open storage rack.

**RETRIEVABILITY:**

They are indexed and filed by name in the folder or binder.

**SAFEGUARDS:**

The office and building are locked during non-working hours.

**RETENTION AND DISPOSAL:**

The records are retained from one to five years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

District Directors of Customs.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information on the Customs Form 4790 originates from the individual or Customs agent reporting the bringing in or taking out of currency or monetary instruments exceeding \$10,000.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/Customs .273****SYSTEM NAME:**

Employee Debts—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees involved in transfer within the Government for which the Government is pursuing collection for overpayment of travel expenses or overpayment for maintaining uniforms.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records reflecting the documents involved in the overpayment and correspondence with the employee involved and his representative.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to



obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Data is stored in a file folder located in a file cabinet under the physical security of the Operating Accountant.

**RETRIEVABILITY:**

Records are indexed by name.

**SAFEGUARDS:**

The file is located within an office that is locked during non-working hours. The building is guarded by uniformed security police and only authorized persons are permitted entry to the building.

**RETENTION AND DISPOSAL:**

The file is retained until the debt is collected and then destroyed. Unusual cases are retained as a reference for similar type cases.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Financial Management Division, U.S. Customs Service, 100 Summer Street, Boston, MA 02110.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information contained in the system originates from the employee, other Regions of Customs, and the Payment Section of the Financial Management Division.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .274

**SYSTEM NAME:**

Importers, Brokers, Carriers, Individuals and Sureties Master Files—Treasury/Customs.

**SYSTEM LOCATION:**

Financial Management Division, 99 SE 5th Street, Miami, FL 33131.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Brokers, Importers, Individuals, Carriers and Sureties.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of correspondence incoming and outgoing, copies of bonds, entries, bills, data center listings.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information may be used: (a) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Files are maintained in an unlocked drawer within a metal file cabinet.

**RETRIEVABILITY:**

Alphabetical by name appearing on correspondence.

**SAFEGUARDS:**

The metal container described above is maintained within the area assigned to the Financial Management Division within the Customs Service Building. During non-working hours the room in which the metal container is located is locked.

**RETENTION AND DISPOSAL:**

These files are retained until there is no longer any space available for them within the metal container, at which time the oldest files are transferred to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Financial Management, 99 SE 5th Street, Miami, FL 33131.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

Correspondence, Customs Service Data Center, Districts and Ports.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/Customs .277

**SYSTEM NAME:**

Drivers License File—Treasury/Customs.

**SYSTEM LOCATION:**

Logistics Management Division, U.S. Customs Service, 211 Main Street, San Francisco, CA 94105.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and past employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal information furnished by employee before being issued a government drivers license. It may also include information from National Driver Register Service if they have any information on the individual.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to National Driver Register Service to determine whether they have any information on the individual which would concern the employee's suitability for receiving a government drivers license. (b) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

The information in this system is contained on Standard Form 47 (physical fitness inquiry for motor vehicle operators) and Treasury Form 2770 (application for motor vehicle operator's ID card and operator's record). These forms are kept in a desk file.

**RETRIEVABILITY:**

Each set of forms for a particular employee is numbered and those numbers are shown on an index sheet as pertaining to the particular employee.

**SAFEGUARDS:**

The desk in which the records are kept is within an office which is locked during non-working hours.

**RETENTION AND DISPOSAL:**

Forms are retained in this system in accordance with the requirements of the Treasury Records Control Manual. Forms of past employees who were issued drivers licenses are periodically destroyed.



**SYSTEM MANAGER(S) AND ADDRESS:**

Logistics Management Specialist,  
Logistics Management Division, U.S.  
Customs Service, 211 Main Street, San  
Francisco, CA 94105.

**NOTIFICATION PROCEDURE:**

See Customs Appendix A.

**RECORD ACCESS PROCEDURES:**

See Customs Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access, Customs Appendix A.

**RECORD SOURCE CATEGORIES:**

The information in this system originates with, and consists solely of, information supplied by the applicants on forms SF-47 and form 2770. There is a possibility that in the future there will be a response from the National Driver Register Service on a particular applicant. At the present time there are none in this system of records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury Customs .278

**SYSTEM NAME:**

Automated Commercial System  
(ACS)—Treasury/Customs.

**SYSTEM LOCATION:**

The Computer is located in Franconia, Virginia. Computer terminals are located at Customhouses and ports throughout the United States and at U.S. Customs Headquarters, Washington DC. (For addresses of Customhouses, see Customs Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

U.S. Customs Service employees and individuals involved in the import trade.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system data base is comprised of commodity and merchandise processing information relating to Customs administration of trade laws. Certain portions contain no information about individuals. These are the Tariff Schedules of the United States Annotated (TSUSA) file, country file, criteria file for the selection of routine items, Team TSUSA file, district port file, fines, penalties and forfeitures files, collections files, manifest files and the entry master file. The following system files may contain information about U.S. Customs Services employees and/or individuals/companies involved in the import trade. (1) ACS Security File: Contains randomly established five-digit identification codes and passwords assigned to Customs Service employees

authorized to use the system. The file consists of the names and identification of all Customs Service employees using the remote terminals to input information into the system. It does not contain Social Security numbers. The degree of access to the system varies according to the users responsibilities in the system. (2) Importer/Broker/Consignee Bond Files and FP and F Violator file: Records consist of importer of record number, importer name, type of importation bond, expiration date, surety code and violation statistics. The importer of record number is used as the method of accessing the files. The number is assigned by any one of three code formats according to availability and the following hierarchy. The first choice is the IRS Employer Identification Number (EIN). The vast majority of importers have the EIN because of the business necessity of it. The second alternative is the Social Security number (SSN). The third alternative is a Customs-assigned number. This file is referenced during entry processing to verify that the individual or company making entry is authorized to import and is properly bonded. (3) Broker Files: A record consists of a three-digit Customs-assigned Customhouse broker number (non-SSN) and the broker name. The file is referenced during entry processing to validate the broker number and to prepare and distribute output from the Automated Broker Interface (ABI) System to the individual or company concerned. Information is disclosed only to the party-of-record. (4) Surety File: A record consists of a three-digit surety code (non-SSN) assigned by the Customs Accounting Division and the surety name. The file is referenced during entry processing to validate these surety codes. No information on surety company affairs is collected or disseminated in the system. (5) Liquidator File: A record consists of a Customs-assigned three-digit liquidator identification (non-SSN) and a Customs employee's name. The employee's liquidator code is input into the system as a means of maintaining quality control and an audit trail on entries liquidated. (6) Manufacturer File: The file contains only a manufacturer code constructed using a formula based on name and address, manufacturer name and address.

**CARRIER FILE:**

This file consists of carrier names and codes (non-SSN) which are 4 characters (SCAC code) for vessel carriers and 2 or 3 character (IATA) for air carriers. This code is used to validate data input to the manifest and entry processing systems.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

19 U.S.C. 66, 1448, 1481, 1483, 1484, 1505, and 1624.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose to the Bureau of the Census by providing magnetic tapes containing foreign trade data. (b) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic Disc.

**RETRIEVABILITY:**

By identification codes and/or name.

**SAFEGUARDS:**

Access to computer area is controlled by a security pass arrangement and personnel not connected with the operation of the computer are prohibited from entering. The building security is protected by a uniformed guard. At the ports of processing, terminal rooms are under close supervision during working hours and locked after close of business. The system security officer issues a unique private five digit identification code to each authorized user. The codes



are changed periodically to enhance security. All computer terminals are key-locked when not in use. Access to the Customers computer from other than system terminals is controlled through the security software package TOP SECRET. Users must input a unique identification code and password during the terminal log-in procedure to gain access to the system. The password is not printed or displayed at the port of processing. The system validates the user ID by transaction type, thereby limiting a system user's access to information on a "need to know" basis. A listing of identification codes of authorized users can be printed only by request of the security officer.

#### RETENTION AND DISPOSAL:

Files are periodically up-dated to reflect changes, etc., and are disposed of in accordance with the requirements of the Treasury Records Control Manual.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Business Systems Division, Customs Service Headquarters, 1301 Constitution Avenue, NW., Washington, DC 20229, is responsible for all data maintained in the files.

#### NOTIFICATION PROCEDURE:

See Customs Appendix A.

#### RECORD ACCESS PROCEDURES:

See Customs Appendix A.

#### CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

#### RECORD SOURCE CATEGORIES:

The system data base is limited to data about individuals and/or companies incidental to the conduct of foreign trade and required by the Customs Service in administering the tariff laws and regulations of the United States. No information concerning any individual's or company's importation activity, bonds status, and compliance or noncompliance with Customs Regulations will be disclosed for non-authorized purposes to any person other than the party-of-record upon receipt of a written request.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs 00.284

#### SYSTEM NAME:

Personnel Verification System (PVS)  
Treasury/Customs.

#### SYSTEM LOCATION:

Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229,

and Regional Offices of the U.S. Customs Service. (See Customs Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authorized Customs personnel and non-Customs personnel who have received authorization to use the Regional Communications Centers.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual identifiers including but not limited to name, office address, home address, office telephone number, home telephone number, badge number, Social Security number, radio call sign, page number, organization, and unit.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Treasury Department Order No. 165, Revised, as amended.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

(1) Alphabetic or numerical listings or card files; (2) microfiche; (3) magnetic disc and tapes; (4) other electronic storage media.

#### RETRIEVABILITY:

By name, call sign, paging number, Social Security number, badge number, organizational code.

#### SAFEGUARDS:

Records are located in controlled access areas with alarm protection systems. Offices are staffed twenty-four hours a day, seven days a week.

#### RETENTION AND DISPOSAL:

Records are maintained in the system until such time as the individual is no longer authorized usage of the Regional Communications Center. Disposal is by erasure of disc/tapes, shredding and/or burning of listings or card files, and burning of microfiche.

#### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner, Office of the Comptroller, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

#### NOTIFICATION PROCEDURE:

See Customs Appendix A.

#### RECORD ACCESS PROCEDURES:

See Customs Appendix A.

#### CONTESTING RECORD PROCEDURES:

See Access, Customs Appendix A.

#### RECORD SOURCE CATEGORIES:

The sources include but are not limited to (1) the individual to whom the record relates; (2) internal Customs Service records; (3) Personnel Verification Sheet.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/Customs .285

#### SYSTEM NAME:

Automated Index to Central Enforcement Files—Treasury/Customs.

#### SYSTEM LOCATION:

Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, DC 20229.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Known violators of U.S. Customs laws. (2) Convicted violators of U.S. Customs and/or drug laws in the United States and foreign countries. (3) Suspected violators of U.S. Customs or other related laws. (4) Private yacht masters and pilots arriving in the United States.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

A listing of Memoranda of Information Received, Reports of



Investigations; Search/Arrest/Seizure Reports, Penalties, and Forfeitures, reports required by Private Aircraft Reporting System, reports required by the Private Yacht Reporting System, reports on vessel violations. Reports relating to an individual, various other correspondence (letter, memoranda, etc.), which related to an individual in the Treasury Enforcement Communications System.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and Treasury Department Order No. 165, Revised, as amended. Authority for the collection and maintenance of the report included in the system is: 19 U.S.C. 1603; 19 U.S.C. 1431; 19 U.S.C. 66; 31 CFR Part 103.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Magnetic disc and tape, microfiche.

##### **RETRIEVABILITY:**

Name, personal identification numbers, Customs case number, document's central file number.

#### **SAFEGUARDS:**

(1) All Central Files users must have a full field background investigation. (2) The "need to know" principle applies. (3) Procedural and physical safeguards are utilized such as accountability and receipt records, guard patrolling restricted areas, alarm protection systems, special communication security. (4) Access is limited to all Office of Enforcements terminals and all Law Enforcement Systems Division Headquarters and San Diego terminals.

#### **RETENTION AND DISPOSAL:**

Records will be maintained in the Automated Index to Central Enforcement files for as long as the associated document or microfiche is retained. Records will be destroyed by erasure of the magnetic disc and by burning the microfiche.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Office of Enforcement, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, DC 20229.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(2), (e)(3), (e)(4) (G), (H) and (I), (5) and (8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

#### **Treasury/Customs .287**

#### **SYSTEM NAME:**

Customs Automated Licensing Information System (CALIS)—Treasury/Customs.

#### **SYSTEM LOCATION:**

ADP Branch, U.S. Customs Service, 6 World Trade Center, New York, NY 10048.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and firms who have applied for or been granted licenses in the New York Region as customhouse brokers, or as bonded cartmen or lightermen, and officers, employees and associates of licensed customhouse brokers or licensed bonded cartmen or lightermen; individuals who have applied for or been granted approval to act as container station operators or bonded warehouse proprietors, firms which have applied for approval or been approved as container stations or bonded warehouses, and officers, employees and associates of approved container stations or approved bonded warehouses.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Names, addresses, Social Security numbers, dates of birth, and other pertinent data extracted from Reports of Investigation, Regulatory Audit reports, Treasury Enforcement Communications System entries, and Search, Arrest, and Seizure Reports, information obtained from informants, reports from or to other law enforcement bodies.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

19 U.S.C. 1621; 19 CFR Part 111, 5 U.S.C. 301; Treasury Department Order No. 165, Revised, as amended; 19 U.S.C. 1561; 19 CFR Part 112; 19 CFR Part 19; 19 U.S.C. 1556.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as



exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic disc.

**RETRIEVABILITY:**

Records can be retrieved by name or personal identification numbers and by employer's name and employer's identification numbers.

**SAFEGUARDS:**

Access to the office where records are maintained is controlled at all times. A password is required to gain access to records in the computer. The office where the records are maintained is locked during non-working hours. The records are available to those personnel in Operational Analysis and other appropriate Customs personnel on a "need to know" basis.

**RETENTION AND DISPOSAL:**

Records are periodically up-dated to reflect changes, and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Operational Analysis Officer, U.S. Customs Service, 6 World Trade Center, Room 748, New York, NY 10048.

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed under the Privacy Act for the purpose of inspection.

**CONTESTING RECORD PROCEDURES:**

Since this system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual and those records, if any, cannot be inspected, the system may not be accessed under the Privacy Act for the purpose of contesting the content of the record.

**RECORD SOURCE CATEGORIES:**

This system contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j)(2) and (k)(2).

**Treasury/BEP .002**

**SYSTEM NAME:**

Personal Property Claim File—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Civilian officers and employees of the Bureau of Engraving and Printing, former employees and their survivors having claim for damage to or loss of personal property incident to their service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains investigative and adjudication documents relative to personal property damage claim.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Military Personnel and Civilian Employees' Claims Act of 1964, as amended, Pub. L. 88-558.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide

information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folder

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Access is limited to Office of Chief Counsel staff.

**RETENTION AND DISPOSAL:**

Retained three years after case is closed, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Chief Counsel, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individuals having claim for damage to or loss of personal property

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BEP .004**

**SYSTEM NAME:**

Counseling Records—Treasury/BEP

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees whose actions or conduct warrants counseling.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains correspondence relative to counseling information and follow-up reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains, contingent upon that individual signing a release of information form. (5) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To provide general educational information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Locked in file cabinets; access is limited to Administrator.

**RETENTION AND DISPOSAL:**

Retained for one year after close of file, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

EEO/Employee Counseling Services Staff Manager, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individual employee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .005

**SYSTEM NAME:**

Compensation Claims—Treasury/BEP.

**SYSTEM LOCATION:**

Safety and Occupational Health Division, Office of Industrial Relations, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bureau of Engraving and Printing employees incurring work-connected injuries or illnesses, who make claims under Federal Employee Compensation Act for medical expenses, continuation of pay or disability.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

All pertinent documentation, including investigative reports, medical reports, forms, letters to BEP Office of Financial Management authorizing continuation of pay, Labor Department reports, etc. relative to work-connected injuries or illnesses of employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Employees Compensation Act, as amended, Pub. L. 93-416.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose

pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To disclose information to foreign governments in accordance with formal or informal international agreements. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (8) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folder.

**RETRIEVABILITY:**

Name and date of injury.

**SAFEGUARDS:**

Locked file cabinets; access is limited to Safety Managers and Compensation Claims staff.

**RETENTION AND DISPOSAL:**

Retained for a period of employment plus 30 years, then destroyed.



**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations,  
Bureau of Engraving and Printing, 14th  
and C Streets, SW., Washington, DC  
20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of  
Engraving and Printing, 14th and C  
Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Health Unit Daily Report, Notification  
of Public Health Service  
Recommendations, private medical  
providers, Safety and Occupational  
Health Division Reports, Employee's  
supervisors reports, and information  
provided by employee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .006

**SYSTEM NAME:**

Debt Files (Employees)—Treasury/  
BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th  
and C Streets, SW., Washington, DC  
20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Bureau of Engraving and Printing  
employees on whom debt complaints  
are received.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains employee's name, complaint  
information, court judgments, counseling  
efforts, receipts, and final disposition of  
complaint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Personnel Manual.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the  
records may be used: (a) To disclose  
pertinent information to appropriate  
Federal, State, local or foreign agencies  
responsible for investigating or  
prosecuting the violations of, or for  
enforcing or implementing, a statute,  
rule, regulation, order, or license, where  
the disclosing agency becomes aware of  
an indication of a violation or potential  
violation of civil or criminal law or  
regulation. (b) To disclose information

to a Federal, State, or local agency,  
maintaining civil, criminal or other  
relevant enforcement information or  
other pertinent information, which has  
requested information relevant to or  
necessary to the requesting agency's or  
the bureau's hiring or retention of an  
individual, or issuance of a security  
clearance, license, contract, grant, or  
other benefit. (c) To disclose information  
to a court, magistrate, or administrative  
tribunal in the course of presenting  
evidence, including disclosures to  
opposing counsel or witnesses in the  
course of civil discovery, litigation, or  
settlement negotiations, in response to a  
subpoena, or in connection with  
criminal law proceedings. (d) To  
disclose information to foreign  
governments in accordance with formal  
or informal international agreements. (e)  
To provide information to a  
congressional office in response to an  
inquiry made at the request of the  
individual to whom the record pertains.  
(f) To provide information to the news  
media in accordance with guidelines  
contained in 28 CFR 50.2 which relate to  
an agency's functions relating to civil  
and criminal proceedings. (g) To provide  
information to unions recognized as  
exclusive bargaining representatives  
under the Civil Service Reform Act of  
1978, 5 U.S.C. 7111 and 7114. (h) To  
provide information to third parties  
during the course of an investigation to  
the extent necessary to obtain  
information pertinent to the  
investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Maintained in locked cabinets; access  
is limited to Employee and Labor  
Relations Branch personnel.

**RETENTION AND DISPOSAL:**

Retained for two years, then  
destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations,  
Bureau of Engraving and Printing, 14th  
and C Streets, SW., Washington, DC  
20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of  
Engraving and Printing, 14th and C  
Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Employees, Complainants, and Court  
Judgments.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .014

**SYSTEM NAME:**

Employee's Production Record—  
Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th  
and C Streets, SW., Washington, DC  
20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All current Bureau of Engraving and  
Printing employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains employee's name, dates,  
work hours, record of production,  
history of work assignments, training,  
work performance, and progress reports

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 4103 and 4302.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the  
records may be used: (1) To disclose  
pertinent information to appropriate  
Federal, State, local or foreign agencies  
responsible for investigating or  
prosecuting the violations of, or for  
enforcing or implementing, a statute,  
rule, regulation, order, or license, where  
the disclosing agency becomes aware of  
an indication of a violation or potential  
violation of civil or criminal law or  
regulation. (2) To disclose information to  
a Federal, State, or local agency,  
maintaining civil, criminal or other  
relevant enforcement information or  
other pertinent information, which has  
requested information relevant to or  
necessary to the requesting agency's or  
the bureau's hiring or retention of an  
individual, or issuance of a security  
clearance, license, contract, grant, or  
other benefit. (3) To disclose information  
to a court, magistrate, or administrative  
tribunal in the course of presenting  
evidence, including disclosures to  
opposing counsel or witnesses in the  
course of civil discovery, litigation, or



settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in data entry diskettes, file folders and production books.

**RETRIEVABILITY:**

Indexed by name, work code number and cross-referenced by project number.

**SAFEGUARDS:**

Maintained in locked cabinets or desks; access is limited to personnel having a "need-to-know."

**RETENTION AND DISPOSAL:**

Retained three years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Chief Counsel; Equal Employment Opportunity/Employee Counseling Services Staff; Chief, Office of Financial Management; Chief, Office of Industrial Relations; Chief, Office of Currency Production and Stamp Printing; Chief, Office of Design and Engraving Technology; Chief, Office of Security; Chief, Office of Stamp Processing and Surface Printing; Chief, Office of Engineering; Chief, Office of Research and Technical Services; Chief, Office of Production Management; Program Analysis and External Affairs Staff; Chief Office of Currency Standards; Chief, Office of Currency Production and Stamp Printing; Chief, Office of Quality Assurance; Chief, Office of Management Services. Address: Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW. Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Information furnished by employee, developed by supervisor or by referral document.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BEP .015**

**SYSTEM NAME:**

Executive Profiles—Treasury/BEP.

**SYSTEM LOCATION:**

Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The system contains vital personal information about high-level Bureau executives and their families. These executives who occupy high-level and/or sensitive positions may be targets for criminal extortion, kidnapping or other violent acts. The individuals to be covered by the system are designated by the Director, Bureau of Engraving and Printing, and are participating in the program voluntarily.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The system contains personal information about key Bureau employees, their spouses, children or other persons in the household. The employees' neighbors or other persons who might have knowledge of family members' locations are listed with addresses and phone numbers. Also included are fingerprints, samples of handwriting, and photographs of any residences and automobiles owned by the key employee and/or their families.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosures are not made outside the Department, except for emergency situations during which information may be released to appropriate Federal law enforcement agencies.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folder in a sealed envelope.

**RETRIEVABILITY:**

By name or position of employee.

**SAFEGUARDS:**

Locked file cabinet; access is limited to Office of Security managers and duty officers.

**RETENTION AND DISPOSAL:**

Retained during employee's tenure with Bureau, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228, and direct personal contact by employee with system manager.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Designated key personnel on a voluntary basis.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BEP .016**

**SYSTEM NAME:**

Employee Suggestions—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Bureau of Engraving and Printing employees submitting suggestions under the incentive award program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains employee's suggestion, reviewer evaluation and final disposition information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, U.S.C., 4502 (c).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies



responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Maintained in locked file cabinets; access is limited to Training and Career Development Division personnel and employee's supervisor.

**RETENTION AND DISPOSAL:**

Retained for three years following date of submission, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individual employee, employee's supervisor and review committee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .020

**SYSTEM NAME:**

Industrial Truck Licensing Records—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bureau of Engraving and Printing employees designated to operate self-propelled material and/or machinery handling equipment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record of employee physical examination, testing, license number and issue date for purpose of operating one or more types of material handling equipment used within the Bureau of Engraving and Printing.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folder and card file.

**RETRIEVABILITY:**

By Name.

**SAFEGUARDS:**

Locked file cabinet, access is limited to Materials and Industrial Services Division staff.

**RETENTION AND DISPOSAL:**

Destroyed three years after license revocation.

**SYSTEM MANAGER(S) AND ADDRESS:**

Manager, Materials and Industrial Services Division, Office of Materials Management, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Supervisor's request, results of physical examination, and data obtained during training or practical tests.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .021

**SYSTEM NAME:**

Investigative Files—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees, Separated Bureau Employees, Employee Applicants, Visitors to the Bureau, News-Media Correspondents, Contractor and Service Company Employees (Current and Separated).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Category: Security Files, Personnel Clearance Requests, Case Files, Bank Shortage Letters, Contractor Files, Currency Discrepancy Reports, Intelligence Files, Stamp Discrepancy Reports, Case Records, Correspondence from the Public concerning Security Matters, Security Files Reference Record, Employee Indebtedness Record. Type of Information: Character references, Police force reports, Previous employment verifications, Newspaper articles, Social Security numbers, Laboratory reports to include handwriting results and latent fingerprint examinations, Law enforcement criminal and subversive record checks, Court records, Security registers, Residency information, Reports of shortages or thefts of Bureau products including subsequent investigations, Personnel records of



various types, Fingerprint card, Photograph, Names of individuals including those at contractor plants who worked on a shortage involving Bureau products, Credit checks, Background investigation reports conducted by Office of Personnel Management, Bureau of Engraving and Printing, the Internal Revenue Service and other Federal Investigative Agencies, Disciplinary action recommended and/or received, Military record forms and extracted information, List of Bureau employees granted security clearances, Processes served, i.e. summons, subpoenas, warrants, etc., Personnel security case numbers, dates—case opened and closed, and recommendations, Certificate of Security Clearance, Reports of violations of Bureau regulations and procedures, Bureau visitor control documents, Correspondence relating to individuals, Claims of indebtedness from firms and collection agencies and other sources, and assorted documents, Tape-recorded testimony, Type of Information: Bureau investigation reports, Information supplied by Law Enforcement agencies, Applicant interview record, Anonymous tips concerning Bureau employees, Official investigative statements, Names of those requesting security assistance and report of the assistance rendered, other pertinent Governmental records, education records and information, Date of Birth and physical description of individual in the files.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450 and implementing Treasury and Bureau Regulations and 31 U.S.C. 427.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security

clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To disclose information to foreign governments in accordance with formal or informal international agreements. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (8) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

File Folders, 3 x 5 Index Cards, 5 x 8 Index Cards, Loose-leaf Binders, Ledger, Recording Tape, and Microfiche.

##### **RETRIEVABILITY:**

Numerically by case number and year, alphabetically by name and Social Security number, and alphabetically by Company name.

##### **SAFEGUARDS:**

Access is limited to Office of Security staff and maintained in locked file cabinets.

##### **RETENTION AND DISPOSAL:**

Destroyed within 90 days following notification that an applicant for employment was not hired; or, upon notification of employee's death, or, within five years after separation or transfer of incumbent employee; or, five years after expiration of contractual relationship.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

##### **NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

#### **RECORD ACCESS PROCEDURES:**

See notification above.

#### **CONTESTING RECORD PROCEDURES:**

See notification above.

#### **RECORD SOURCE CATEGORIES:**

The sources of the information are the individual concerned and information supplied by Federal, State and local investigative agencies, credit bureaus, financial institutions, court records, educational institutions, and individuals contacted concerning the person being investigated.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

#### **Treasury/BEP .022**

##### **SYSTEM NAME:**

Monthly Equal Employment Opportunity Activity Report—Treasury/BEP.

##### **SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Minority and female employees receiving significant appointments and promotions.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and Position of Promotion or Appointment.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Affirmative Action Plan for Fiscal Year 1980 (5-year plan), Title VII, Civil Rights Law, as amended of 1964.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (2) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (3) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (4) To provide information to third parties during the



course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

Cross-referenced by month and employee's name.

**SAFEGUARDS:**

Access is limited to Bureau Equal Employment Opportunity staff and is maintained in locked combination safe.

**RETENTION AND DISPOSAL:**

Retained five years and then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Deputy Director or Equal Opportunity Manager, Office of the Director, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Personnel Action Records maintained by supervisor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .023

**SYSTEM NAME:**

Motor Vehicle Licensing Records—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bureau of Engraving and Printing employees designated to operate passenger vehicles, trucks, and/or vans for Bureau business.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record of employee physical examination, testing, license number and issue date for purpose of operating passenger and/or truck vehicles.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folder and card file.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Kept in locked file cabinets; access is limited to Manager, Materials and Industrial Services Division.

**RETENTION AND DISPOSAL:**

Retained three years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Manager, Materials and Industrial Services Division, Office of Materials Management, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Supervisor's request, results of physical examination, and data obtained during training or practical tests.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .027

**SYSTEM NAME:**

Programmable Access Security System (PASS)—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bureau of Engraving and Printing Employees and Bureau of the Public Debt Employees, plus Contractor and Service Company Employees and Official Visitors to both Bureaus. (Does not include visitors to the Bureau of Engraving and Printing public tour.)

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A. *Bureau of Public Debt Employees:* Name; Social Security number; Date of Birth; Height; Weight; Eye color; Work Area; Badge number; Picture; Grade; Work shift; Access level; Access level clearance; Office telephone; Time, date and location of each passage through a Security Control Point; Vehicle license number, and Car pool participation.

B. *BEP Employees:* Same as Public Debt employees, plus position sensitivity, supervisory status, locker number, and home telephone number.

C. *Contractors Issued Non-Escort Badges:* Name; Date of Birth; Height; Weight; Eye Color; Contractor Name and Number; Vehicle license number;



type, and color; Position; Office telephone extension; Bureau Sponsor; Badge Application Form Number; Work shift; Access level; Security Clearance; Badge number; Time, Date, and location of each passage through a Security Control; and Picture.

**D Official Visitors Issued Badges:** Name; Company Name and telephone number; Bureau Sponsor and Bureau Telephone number; Contract Number; Nature of Visit; Vehicle Color, Type, and License Number; Whether visitor is the Driver, Number of Passengers; Security clearance; Type of Visitor; Access level; Visitor's Identification Number; and Time, Date, and location of each passage through a Security Control Point.

**E. Cross reference badge listings.**

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 321, 5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To disclose information to foreign governments in accordance with formal or informal international agreements. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil

and criminal proceedings. (7) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (8) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic media, paper tapes, computer printouts, file folders, and loose-leaf binders.

**RETRIEVABILITY:**

Numerical by PASS/badge number, alphabetically by last name, and appropriate index by subject.

**SAFEGUARDS:**

Paper records are maintained in locked cabinets in a locked room; access is limited to Physical Security Branch staff, office of Security plus senior management of the Office of Security. On line CRT terminals are installed in locked computer room in two (2) 24-hour manned police offices and selected Office of Security staff offices which are locked. These latter terminals will soon be on lines that are manually switchable in computer room. Access to these terminals is limited to Physical Security Branch staff, Office of Security and supervisory police personnel. Passwords further limit the extent of access to computer stored information. Bureau managers and supervisors have access to printouts pertaining to their subordinate employees.

**RETENTION AND DISPOSAL:**

Retention period is for seven years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Head, Physical Security Branch, Office of Security, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

The individual concerned, his/her supervisor, or an official of the individual's firm or agency.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .029

**SYSTEM NAME:**

Petition of Elections—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Listing of employees eligible for inclusion within the union bargaining for recognition.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetical listing of eligible employees to include position title and occupational codes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11491, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose information compiled and furnished to the United States Department of Labor, Labor-Management Services Administration in order to supervise the election; (2) and disclose to the petitioning Union and unions recognized to verify eligibility of voters at the poll. (3) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (4) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By Union Title.



**SAFEGUARDS:**

Maintained in a locked cabinet; access is limited to Labor-Management Relations staff and designated Union Representatives as required.

**RETENTION AND DISPOSAL:**

Retained until superseded or cancelled, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations, Bureau of Engraving and Printing, 14th and C Streets, SW, Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Position Description file and Personnel Manpower file.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .035

**SYSTEM NAME:**

Tort Claims (Against the United States)—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and/or organizations making claim for money damage against the United States for injury to or loss of property or personal injury or death caused by neglect, wrongful act, or omission of a Bureau of Engraving and Printing employee while acting within the scope of his office or employment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains investigative and adjudication documents relative to personal injury and/or property damage claims.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal Tort Claims Act, Title 28 U.S.C. 2672, Pub. L. 89-506.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose

pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folder.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Access is limited to Office of Chief Counsel staff.

**RETENTION AND DISPOSAL:**

Retained three years, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of Chief Counsel, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individual or organization's claim and/or investigative reports.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .037

**SYSTEM NAME:**

Union Index—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Name and Title of designated Union officials to include the President, Vice-President, Secretary, Treasurer, and Stewards.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listing of recognized Union officials by title, bargaining unit, and jurisdiction.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11491, as amended.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used:

(1) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (2) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (3) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By Union Title.

**SAFEGUARDS:**

Maintained in locked file; access is limited to Labor-Management Relations staff and Management officials as required. Informational copies are provided to each union.



**RETENTION AND DISPOSAL:**

Retained during the period of recognition of the Union, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Provided by recognized unions.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .038

**SYSTEM NAME:**

Unscheduled Absence Record—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Bureau of Engraving and Printing employees who have had unscheduled absences.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record contains chronological documentation of unscheduled absences.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or

other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Kept in locked file cabinets; access to these records is restricted to Supervisor and authorized timekeeping personnel.

**RETENTION AND DISPOSAL:**

Retained for one year following separation or transfer, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Industrial Relations, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individual employee's time and attendance records, and his/her supervisor.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .040

**SYSTEM NAME:**

Freedom of Information and Privacy Acts Requests—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are requesting information.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence pursuant to the Freedom of Information and Privacy Acts; internal processing documents and memoranda, referrals and copies of requested records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Freedom of Information Act, 5 U.S.C. 552, 31 CFR Part 1, and Privacy Act of 1974, 5 U.S.C. 552a.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (3) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (4) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folders locked in filing cabinet.



**RETRIEVABILITY:**

By name of requester(s) and date of request.

**SAFEGUARDS:**

Filed in locked filing cabinet and released only to those parties authorized pursuant to the Freedom of Information Act or the Privacy Act.

**RETENTION AND DISPOSAL:**

Disposition as prescribed by General Records Schedule 14 issued by the National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Program Analysis and External Affairs staff, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individuals who make Freedom of Information and/or Privacy Act requests. Federal officials responding to Freedom of Information and/or Privacy Act requests and documents from official records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .041

**SYSTEM NAME:**

Record of Discrimination Complaints—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees who have initiated discrimination complaints.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Data developed as a result of inquiry by the person making the allegation of discrimination.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11478.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose to EEOC to adjudicate discrimination complaints. These records and information in the records may be used; (2) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained in file folders. Locked in combination safe.

**RETRIEVABILITY:**

By name and case number.

**SAFEGUARDS:**

Access is limited to Complainants, Equal Employment Opportunity Staff, Equal Employment Opportunity Investigator; maintained in locked combination safe.

**RETENTION AND DISPOSAL:**

Retained four years after resolution, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Equal Opportunity Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Individual employees who have discrimination complaints.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/BEP .042

**SYSTEM NAME:**

Informal EEO Complaint Processing Records—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees who register informal EEO complaints.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains information and data developed through counseling sessions and appropriate inquiries.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 11478.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose to EEO Complaint Investigator to perform investigations. These records and information in the records may be used; (2) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or



necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in file folders.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Locked in a combination-lock safe. Access is limited to EEO Specialists and Counselors.

**RETENTION AND DISPOSAL:**

Retained four years after resolution of case, then destroyed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Equal Employment Opportunity Staff, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Street, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

Same as above.

**CONTESTING RECORD PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

Individual complainants and other employees and supervisors necessary to make an appropriate inquiry.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BEP .043**

**SYSTEM NAME:**

Parking Program Records—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bureau and Non-bureau personnel who have applied for carpool parking privileges.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Parking space applicant information—shows applicant's name and address, vehicle model and year, vehicle license number, work hours, work component, home/work phone numbers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

5" x 8" card file lettersize file folders, and microcomputer floppy disks.

**RETRIEVABILITY:**

Alphabetically by applicant, or parking space number.

**SAFEGUARDS:**

Access is limited to Office of Security staff and maintained in a locked office.

**RETENTION AND DISPOSAL:**

Destroyed upon change in, or revocation of, parking assignment.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

See notification above.

**CONTESTING RECORD PROCEDURES:**

See notification above.

**RECORD SOURCE CATEGORIES:**

Parking permit applicants.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BEP .044**

**SYSTEM NAME:**

Personnel Security Files and Indices—Treasury/BEP.

**SYSTEM LOCATION:**

Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employee applicants, current and former Bureau employees, contractor and service company employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Investigative information related to personnel investigations conducted by the Bureau of Engraving and Printing Security office and other Federal, State, and local Agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10450.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To disclose information to foreign governments in accordance with formal or informal international agreements. (5) To provide information to a congressional office in response to an



inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (8) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File Folders; 3" x 5" Index cards, and Microfiche.

**RETRIEVABILITY:**

Alphabetically by name.

**SAFEGUARDS:**

Access is limited to Office of Security staff and records are maintained in locked file cabinets.

**RETENTION AND DISPOSAL:**

Destroyed within 90 days following notification that an applicant for employment was not hired; or upon notification of employee death; or within five years after separation or transfer of incumbent employee; or five years after expiration of contractual relationship.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Security, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**NOTIFICATION PROCEDURE:**

Disclosure Officer, Bureau of Engraving and Printing, 14th and C Streets, SW., Washington, DC 20228.

**RECORD ACCESS PROCEDURES:**

Same as above.

**CONTESTING RECORD PROCEDURES:**

Same as above.

**RECORD SOURCE CATEGORIES:**

Individual employee and information supplied by other Federal Investigative Agencies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(5).

**Treasury/FLETC .001**

**SYSTEM NAME:**

FLETC Payroll/Personnel Records System—Treasury/FLETC.

**SYSTEM LOCATION:**

FLETC, Office of Administration, Building 94, Glynco, GA 31524.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Present and former employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

All payroll records including Standard Forms 50 and 52, time and attendance reports, leave status, health, employee training, Equal Employment Opportunity and personnel records consisting of records other than those described and reported by the Office of Personnel Management on behalf of all agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 5 U.S.C. 4101 et seq; Executive Order No. 11348, dated April 20, 1967, Treasury Order 217 (Revision 1), dated July 1, 1970, and Treasury Order 140-01, dated January 13, 1987.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure to the individual's parent agency and Federal regulatory agencies on a "need to know" basis which include the Department of Labor, Department of Health and Human Services, Merit Systems Protection Board, Federal and Labor Relations Authority, Equal Employment Opportunity Commission and the Office of Personnel Management concerning pay, leave, benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions. These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security

clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceeding. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper files, microfiche and computer. The computers at Glynco access the TPIS and PERMITS payroll and personnel systems described and reported by the Department of the Treasury.

**RETRIEVABILITY:**

Social Security Number, name, or position.

**SAFEGUARDS:**

Physical security, personnel screening, access codes, and security checklists are all used to prevent unauthorized disclosure of records.

**RETENTION AND DISPOSAL:**

Disposition as prescribed by General Records Schedules 1 and 2 issued by the National Archives and Records Administration. For more information contact: Records Retention Officer, FLETC, Building 94, Glynco, GA 31524.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director (Administration), Building 94, FLETC, Glynco, GA 31524.

**NOTIFICATION PROCEDURE:**

The individual must provide full name, Social Security Number, and date of employment with the Center to the System Manager.



**RECORD ACCESS PROCEDURES:**

By written request to the System Manager.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

The employee on whom the record is maintained, prior employers, and FLETC.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FLETC .002

**SYSTEM NAME:**

FLETC Trainee Records—Treasury/FLETC.

**SYSTEM LOCATION:**

Buildings—39, 46, 67, 94, 210, 221, 252, and 262, Glynco, GA 31524.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any person who officially attends a Center Basic or Advanced Training Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal background information supplied by the trainee; grades and performance or conduct evaluations, advisory letters to parent agencies, class rosters/photographs and relevant health/physical conditioning records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Order No. 217 (Revision 1), dated July 1, 1970, Treasury Order 140-01, dated January 13, 1987, and Memorandum of Understanding for the Sponsorship and Operation of the Consolidated Federal Law Enforcement Training Center, dated September 30, 1970.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure upon request to the individual's parent agency, to a prospective Federal employer, and to other government officials involved in training or research. These records and information in the records may be used: (a) To disclose to the Office of Personnel Management concerning pay, leave, benefits, retirement deductions, and other information necessary for OPM to carry out its government-wide personnel management functions. (b) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute,

rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To disclose information to foreign governments in accordance with formal or informal international agreements. (f) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (g) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (h) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic disc and tape, and paper files.

**RETRIEVABILITY:**

Name, class number, and Social Security number.

**SAFEGUARDS:**

Access to these systems of records will be controlled by software, hardware, and other physical security procedures. Software will be used to ensure, in all technically feasible ways, that data cannot be made available to unauthorized persons. User-identifiers and passwords will be used where feasible to protect the data. Physical security will protect all terminals, magnetic disc and tapes filed from access by unauthorized persons. Offices

will be locked except when authorized persons are present. Warehoused paper records are secured, the building alarmed, and access controlled by the Records Management Officer.

**RETENTION AND DISPOSAL:**

Computer print-out records are destroyed within six months of production. All other records are retained and disposed of in accordance with the General Records Schedule issued by the National Archives and Records Administration. For more information contact: Records Management Officer, FLETC, Building 94, Glynco, GA 31524.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director (Administration), Office of Administration, Building 94, FLETC, Glynco, GA 31524.

**NOTIFICATION PROCEDURE:**

The individual must provide full name, Social Security number, date of birth, parent agency, type of course and approximate dates of attendance to the System Manager.

**RECORD ACCESS PROCEDURES:**

By written request to the System Manager.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

The trainee himself and members of the staff responsible for processing the grading, rating or evaluating of the trainee.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FLETC .003

**SYSTEM NAME:**

FLETC Confidential Financial Records Treasury/FLETC.

**SYSTEM LOCATION:**

FLETC, Building 94, Glynco, GA 31524.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees in positions where the basic duties and responsibilities require the incumbent to exercise judgment in making a Government decision or in taking Government action on contracting or procurement. Specifically, all officials graded SES or GS/GM-15 and above; Deputy Assistant Director (Administration); Chief (Media Support Division), Procurement Officer, Property Management Officer, Supervisory General Engineer, Facility Manager,



Financial Operations Officer, Budget Officer, Contract Administrator, Contract Specialist, Chief (Driver and Marine Division), Chief (Firearms Division), and Chief (Physical Techniques Division).

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

All information required by or related to employment and financial interests of select GS-12 and above employees.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Federal personnel Manual Chapter 735 and Executive Order 11222.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To provide certification to the office of Personnel Management that Statements of employment and Financial Interests are on file for each employee and special Government employees required to submit such statement under the regulations of the employing agency. Also, information for the agency head only to be disclosed upon his determination or that of the Chairman of the Office of Personnel Management for good cause shown. These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) to provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Paper files.

##### **RETRIEVABILITY:**

Name.

##### **SAFEGUARDS:**

Physical security, personnel screening and security checklist are all utilized to prevent unauthorized disclosure of records.

##### **RETENTION AND DISPOSAL:**

Retained and updated annually and destroyed by shredding at the departure of employee from FLETC rolls.

##### **SYSTEM MANAGER(S) AND ADDRESS:**

Director, FLETC, Building 94, Glynco, GA 31524.

##### **NOTIFICATION PROCEDURE:**

The individual must provide full name, date of birth, dates of employment with the Center to: Director, FLETC, Building 94, Glynco, GA 31524.

##### **RECORD ACCESS PROCEDURES:**

By formal letter to the System Manager.

##### **CONTESTING RECORD PROCEDURES:**

See Access above.

##### **RECORD SOURCE CATEGORIES:**

The employee on whom the record is maintained.

##### **SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

##### **TREASURY/FLETC .004**

##### **SYSTEM NAME:**

FLETC Administrative Employee Records—Treasury/FLETC.

##### **SYSTEM LOCATION:**

For Locator, Identification, Vehicle/Driver, Lost and Found, and Key records: Buildings 1 and 94. For Training

Management System Instructor Records, Equipment Control or Property Pass/Accountability records: Buildings 1, 18, 28, 29, 46, 67, 68, 94, 142, 200, 205, 210, 221, 252, and 262. All buildings are located at Glynco, GA 31524.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Students, current employees, past employees, employees of tenant agencies, contractor employees, guests, and visiting personnel.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Locator records, Identification records, Training Management System Instructor Records, Vehicle Registration and Driver Violation records, Equipment Control records, Property Pass/Accountability records, Lost and Found records, and Key records.

#### **AUTHORITY FOR THE MAINTENANCE OF THE SYSTEM:**

Treasury Order 217, dated July 1, 1970, revised, and Treasury Order 140-01, dated January 13, 1987.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

Disclosure to the contract employer, the individual's parent agency, and Federal regulatory agencies on a "need to know" basis. These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information, or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information



to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation (h) to provide FLETC Management the information necessary to properly manage and control available resources and to properly manage student/staff support services.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper files and computer.

**RETRIEVABILITY:**

Name, Social Security number, or employer.

**SAFEGUARDS:**

Physical security, personnel screening, and security checklists are all used to prevent unauthorized disclosure of records.

**RETENTION AND DISPOSAL:**

Disposition as prescribed by the General Records Schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director (Administration), Building 94, FLETC, Glynco, GA 31524.

**NOTIFICATION PROCEDURE:**

The individual must provide full name, social security number, and dates of duty at the Center to the System Manager.

**RECORD ACCESS PROCEDURES:**

By written request to the System Manager.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

The employee on whom the record is maintained, employers, and FLETC.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FMS .001

**SYSTEM NAME:**

Administrative Records—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Liberty Loan Building, Room 163, 401 14th Street SW., Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Service personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Civil Defense Cards. (2) Motor Vehicle Drivers Permits. (3) Motor Vehicle Accident Reports. (4) Parking Permits. (5) Distribution List of individuals requesting various Treasury publications. (6) Treasury Credentials.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) To disclose to FEMA and other concerned agencies on holders of Civil Defense Cards. (b) To disclose to GSA for drivers permits, parking permits, accident reports, and credentials. (c) To disclose to GPO for servicing public on Treasury publications. These records and information in the records may be used: (d) To disclose information to foreign governments in accordance with formal or informal international agreements.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Hardcopy.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Locked containers.

**RETENTION AND DISPOSAL:**

(1) Civil Defense Cards—destroy upon resignation, retirement, or transfer; Hold-Individual no longer assigned relocation duties. (2) Motor Vehicle Drivers Permits—destroy 3 years from date of separation or 3 years after rescission of authorization. (3) Distribution List—destroy when superseded. (4) Motor Vehicle Accident Reports—indefinitely. (5) Parking permits and Treasury Credentials—destroy upon retirement, resignation, or transfer.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Facilities Management Division, Financial Management Service, U.S. Department of the Treasury, Treasury Annex No. 1, Room

124, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be sent to the Disclosure Officer at above address in Room 112. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Service personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FMS .002

**SYSTEM NAME:**

Payment issue records for regular recurring benefit payments—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Washington, DC 20226. Records maintained in Financial Centers in seven Regions: Austin, TX; Birmingham, AL; Chicago, IL; Kansas City, MO; Philadelphia, PA; San Francisco, CA; and Washington, DC. Also maintained in all Federal Record Centers by GSA.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- (1) Beneficiaries of Title II of the Social Security Act.
- (2) Beneficiaries of Title XVI of the Social Security Act.
- (3) Beneficiaries of the Civil Service Retirement System.
- (4) Beneficiaries of the Railroad Retirement System.
- (5) Beneficiaries of the Foreign Service Retirement System.



(6) Holders of Series H and HH Bonds (interest payment).

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

Payment issue records for regular recurring benefit payments showing name, check number and symbol, or other identification, address, account number, payment amount, and date of issuance for each of the categories of individuals listed above.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Executive Order 6166, dated June 10, 1933.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) To disclose to Banking industry for payment verification. (b) To disclose to Federal investigative agencies, Departments and agencies for whom payments are made, and payees. These records and information in the records may be used: (c) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (d) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (e) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (f) To disclose information to foreign governments in accordance with formal or informal international agreements. (g) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (h) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (i) To provide information to unions recognized as exclusive bargaining representatives under the

Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (j) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

Storage: Microfilm-magnetic tape for categories of individuals 1 through 6.

#### **RETRIEVABILITY:**

By account number.

#### **SAFEGUARDS:**

Computer password system, card-key entry system, limited to authorized personnel.

#### **RETENTION AND DISPOSAL:**

Indefinitely.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, Treasury Annex No. 1, Room 112, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

#### **NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer at above address. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

#### **RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR, Part I, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

#### **CONTESTING RECORD PROCEDURES:**

See Access above.

#### **RECORD SOURCE CATEGORIES:**

Vouchers certifications by Departments and agencies for whom payments are made.

#### **SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

#### **Treasury/FMS .003**

#### **SYSTEM NAME:**

Claims and Inquiry Records on Treasury checks, U.S. currencies, and International claimants—Treasury/Financial Management Service.

#### **SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Washington, DC 20226.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Payees and holders of Treasury checks, (2) Holders of mutilated currency, (3) Claimants awarded benefits under War Claims Act and International Claims Settlement Act of 1949.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Treasury check claim file: Treasury check, claim of payee with name and address, settlement action taken. (2) Awards for claims for losses sustained by individuals.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; (1) For Treasury check claims—31 U.S.C. 71 with delegation of authority from Comptroller General of the United States; (2) International claims—50 U.S.C. 2012; 22 U.S.C. 1627, 1641, 1642.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) Information is routinely disclosed to endorers concerning checks for which there is liability, Federal agencies, State and local law enforcement agencies, General Accounting Office, Congressional offices and media assistance offices on behalf of payee claimants. (b) International Claims—Information in files is used by claimants (awardees) and their representatives; Foreign Claims Settlement Commission, and Congressmen. These records and information in the records may be used: (c) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (d) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent



information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (e) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (f) To disclose information to foreign governments in accordance with formal or informal international agreements. (g) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (h) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (i) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (j) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

(1) Claim file folders, Card checks, microfilm, and magnetic media. (2) Correspondence files. (3) Claim file folders.

**RETRIEVABILITY:**

(1) Name of payee and check number and symbol. (2) Alpha cross-reference to case number. (3) Name of claimant or alpha reference to claim number.

**SAFEGUARDS:**

(1) Secured building. (2) Secured files in secured building.

**RETENTION AND DISPOSAL:**

(1) Claim files and checks, six years seven months; Microfilm, indefinitely. (2) Correspondence files—seven years. (3) Claim file folders—indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, Liberty Loan Building, Room 520, 401 14th Street, SW, Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to: Disclosure Officer, Room 112, Personnel Office, U.S. Department of the Treasury, Treasury Annex No. 1, Madison Place and Pennsylvania Avenue, Washington, DC 20226. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

(1) Individual payees of Treasury checks, endorser of Treasury checks, investigative agencies, contesting claimants. (2) Awards certified to Treasury for payment by Foreign Claims Settlement Commission.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/FMS .005**

**SYSTEM NAME:**

FMS Personnel Records—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, Treasury Annex No. 1, Room 126, Pennsylvania Avenue and Madison Place, NW., Washington, DC 20226. FMS location—ICC Building, 1201 Constitution Avenue, NW, Washington, DC; Treasury Annex No. 1; and Premier Building, 1725 I Street, NW, Washington, DC.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Employees of Service (Separated employees—in certain cases) and applicants.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Official Personnel Folder. (2) Personnel Roster. (3) Logs of SF-52's, (4) Locator Cards. (5) Chronological Journal

File. (6) Service Record Card (SF-7). (7) Correspondence File. (8) Written Verifications of Employment. (9) Summary of Training (Card File). (10) Training Course Nominations. (11) Evaluation of Training Program. (12) Tuition Assistance Files. (13) GED Test Scores. (14) Senior Executive Service Development File. (15) Management Development File. (16) Position Listings. (17) Position Descriptions with Evaluation Statements. (18) Personnel Management Evaluation Survey Reports. (19) Position Maintenance Reviews. (20) Applicant Supply File. (21) Suitability File. (22) Incentive Awards Record. (23) Request for Certification File. (24) Merit Promotion File. (25) Exit Interview File. (26) Performance File. (27) Statistical Reports—retrievable by names. (a) Personnel Status Report. (b) Monthly Retiree Report. (c) Monthly EEO report. (d) Direct Hire Authority Report. (e) Registers Worked File. (f) Statements of Employment and Financial Interest. (g) Other similar files or registers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Order 10561, dated September 13, 1954. Federal Personnel Manual, and Title 5 of U.S. Code.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) (a) Process Personnel Actions; (b) Verifying Service Computation Date. (2) (a) For Promotion Information; (b) Verification of Employment. (3) (a) Control of Processing SF-52's; (b) Verify Receipt and Non Receipt of SF-52's. (4) (a) Emergency Notifications; (b) Listing for Department Phone Directory; (c) Verification of Employment. (5) (a) Regulatory Audits; (b) Personnel Management Evaluations. (6) (a) A comprehensive and continuing Record of each Employee's status, skills, etc; (b) Cards on Separated Employees are used to verify prior employment. (7) Reference of prior actions. (8) Verify current or past employment. (9) Documented duties of employees for original allocated positions. (10) Audit and Evaluation of programs and specific positions. (11) Official Record of Annual Review of positions required by FPM. (12) Current Source of Recruitment. (13) (a) Reconstruction of case if appealed or grieved; (b) Assure continuity in handling troubled employees. (c) Document positive efforts made to rehabilitate employees. (d) Serve as source documents for suspensions or reprimands as cases warrant. (14) (a) Quarterly and Annual Reports. (b) Used as reference to assure approval of an



award or amount of award consistent with regulations. (15) (a) Reconstruction of actions if appeal is filed. (b) Assure compliance with FPM regulations. (16) To determine skills and employee performance. (17) Maintenance of records for reporting and informational purposes. (18) Used to assure compliance with OPM regulations. (19) Used to determine conflict of interest or possible conflict of interest. These records and information in the records may be used: (20) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (21) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (22) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (23) To disclose information to foreign governments in accordance with formal or informal international agreements. (24) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (25) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (26) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (27) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Hard copy and Magnetic Storage.

**RETRIEVABILITY:**

Alphabetically by name; also in some instances by organization, then Social Security number.

**SAFEGUARDS:**

Secured building, secured room, and locked cabinets. Non-FMS access is limited to investigators from OPM, etc., members of Fair Employment staff and Union officials.

**RETENTION AND DISPOSAL:**

Records are maintained and disposed of in accordance with General Records Schedules issued by the National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Officer, Financial Management Service, U.S. Department of the Treasury, Treasury Annex No. 1, Room 112, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Applicant Personnel Action Forms (SF-50), SF-171 (Completed by applicant), Payroll Actions References, Educational Institutions, etc.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FMS .007

**SYSTEM NAME:**

Payroll and Pay Administration—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All Employees of the Service and Separated Employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Official Payroll Folder (a) Levy and Garnishment Records. (b) SF-1192—Savings Bond Authorization. (c) SF-1198—Allotment of Pay to Saving Account. (d) Copies of SF-50—Notification of Personnel Action. (e) Withholding Tax Exemptions. (f) Copy of Health Benefit Designation. (g) Copy of Life Insurance Forms. (h) Payroll Change Slips. (i) Combined Federal Campaign Designations. (j) Copy of SF-1150. (2) Time and Attendance Reports (TUS-430)—(a) SF-71 Request for Leave. (b) Court Leave Documents. (c) Request for Advancement of Leave. (3) Payroll Comprehensive Listing (a) Current Payment Information. (b) Record of Leave Earned and Used. (c) All Deductions from Pay. (d) Personnel Information such as Grade, Step, Salary, Title, Date of Birth, Social Security Number, Veterans Preference, Tenure, etc. (4) Payroll Control Registers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5—Pay, Leave and Allowances.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) Disclosure permitted to Federal Agencies and to State and Local Agencies for tax purposes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Hard copy, microfiche, and magnetic media.

**RETRIEVABILITY:**

By Social Security number.

**SAFEGUARDS:**

Secured building, secured room and locked cabinets.

**RETENTION AND DISPOSAL:**

Records are stored, maintained and disposed of in accordance with General Records Schedules issued by the National Archives and Records Administration.

**SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Officer, Financial Management Service, U.S. Department



of the Treasury, Treasury Annex No. 1, Room 112, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

#### NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

#### RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

From individual Service employees.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/FMS .008

#### SYSTEM NAME:

Personnel Security Records—Treasury/Financial Management Service.

#### SYSTEM LOCATION:

Financial Management Service, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for position in the Service.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Results of full field investigations, national agency checks and written inquiries, and other limited investigations.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C., Chapter 73, Executive Order 10450, as Amended, and Treasury Order 82.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The records are reviewed for purpose of granting clearances for employees to occupy non-sensitive and sensitive positions. Users: Federal Agencies, Federal, State and Local Law Enforcement Agencies. These records and information in the records may be used: (a) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (b) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (c) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (d) To disclose information to foreign governments in accordance with formal or informal international agreements. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (g) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (h) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

The records are hard copy.

##### RETRIEVABILITY:

Filed alphabetically by name.

#### SAFEGUARDS:

Stored in a safe cabinet secured with a combination lock and/or magnetic media. Access to the records is restricted to key personnel who have been granted clearances to occupy critical-sensitive positions.

#### RETENTION AND DISPOSAL:

The records on employees are retained by the Service during their employment. The records on applicants not selected and separated employees are returned to the investigating agency.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Program Review Division, 613 Matomic Building, U.S. Treasury, FMS, Washington, DC 20226.

#### NOTIFICATION PROCEDURE:

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

#### RECORD ACCESS PROCEDURES:

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Sources are applicants, employers, former employers, references, fellow workers, neighbors, educational authorities, military records, police and criminal records, credit records and others as required.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/FMS .010

#### SYSTEM NAME:

Records of Accountable Officers' authority with Treasury—Treasury/Financial Management Service.



**SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Regional Directors. (2) Certifying Officers. (3) Agent Cashiers. (4) Designated Agents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records are maintained on the above listed accountable officers showing the designation or removal of the officer to act in the specified capacity pursuant to a proper authorization.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; Executive Order 6166, dated June 10, 1933.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) To disclose to Banking institutions, Federal Reserve Banks, and Government agencies for verification of information on authority of accountable officers to determine propriety of actions taken by such individuals. These records and information in the records may be used: (b) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To disclose information to foreign governments in accordance with formal or informal international agreements. (f) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (g) To provide information to the news media in accordance with guidelines

contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (h) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Card files.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Held in secured buildings. Regional Directors file is locked.

**RETENTION AND DISPOSAL:**

Indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Disclosure Officer, Financial Management Service, U.S. Department of the Treasury, Room 112, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Government Departments and Agencies requiring services of Treasury Department for issuance and payment of Treasury checks.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/FMS .011

**SYSTEM NAME:**

Individual Retirement Cards, SF 2806—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, U.S. Department of the Treasury, Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual retirement cards maintained to record annual contribution to the Retirement Fund of each employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 8707; 5 CFR 831.102.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) Used by the Bureau to record annual contribution to the Retirement Fund. These records and information in the records may be used: (b) To disclose pertinent information to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (c) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (d) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (e) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (f) To provide information to unions



recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (g) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Card.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

All persons requesting information are screened.

**RETENTION AND DISPOSAL:**

Retained for tenure of employment then transferred to OPM or other Government agency.

**SYSTEM MANAGER(S) AND ADDRESS:**

Personnel Officer, Financial Management Service, U.S. Department of the Treasury, Room 112, Treasury Annex No. 1, Pennsylvania Avenue and Madison Place NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Systems Manager as shown above. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer at the address shown above. All individuals are urged to examine the rules of the U.S. Department of the Treasury concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Service Personnel Office.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/FMS .012**

**SYSTEM NAME:**

Pre-complaint Counseling and Complaint Activities—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

Financial Management Service, U.S. Treasury Department, Premier Building, Room 1104, 1725 I Street, NW., Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees seeking services of EEO Counselors.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Monthly pre-complaint activity reports from seven Financial Centers and Headquarters.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 7154; 42 U.S.C. 200e-16; Executive Order 11478; and 5 CFR Part 713.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Used to keep records on EEO Counseling activities for monthly submission to Treasury.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File cabinet.

**RETRIEVABILITY:**

Filed by station and date of receipt.

**SAFEGUARDS:**

Staff supervision is maintained during the day. Records are kept locked in the files.

**RETENTION AND DISPOSAL:**

Reports destroyed at the end of four years.

**SYSTEM MANAGER(S) AND ADDRESS:**

EEO Officer, Financial Management Service, Premier Building, Room 1104, 1725 I Street, NW, Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Inquiries under the Privacy Act of 1974 shall be addressed to the Disclosure Officer. All individuals making inquiries should provide with their request as much descriptive matter as is possible to identify the particular record desired. The Systems Manager will advise as to whether the Service maintains the record requested by the individual.

**RECORD ACCESS PROCEDURES:**

Individuals requesting information under the Privacy Act of 1974 concerning procedures for gaining access or contesting records should write to the Disclosure Officer. All individuals are urged to examine the rules of the U.S. Department of the Treasury published in 31 CFR Part 1, Subpart C concerning requirements of this Department with respect to the Privacy Act of 1974.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Monthly submissions by Financial Centers and Headquarters.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/FMS .013**

**SYSTEM NAME:**

Gifts to the United States—Treasury/Financial Management Service.

**SYSTEM LOCATION:**

U.S. Treasury Department, Legal Division, Office of the Chief Counsel, Financial Management Service, Pennsylvania Ave. and Madison Place, NW., Room 600 ANX, Washington, DC 20226.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Donors of intervivos and testamentary gifts to the United States.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence, copies of wills and court proceedings, and other material related to gifts to the United States.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 3113.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside of the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Filing cabinets.

**RETRIEVABILITY:**

Name of donor.

**SAFEGUARDS:**

Access is limited to persons on official business.



**RETENTION AND DISPOSAL:**

Records are maintained for 10 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Financial Operations Branch,  
Financial Division, Financial  
Management Service, U.S. Department  
of the Treasury, Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) identify the category and type of records sought; and (3) provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Disclosure Officer (See "Record access procedures" below).

**RECORD ACCESS PROCEDURES:**

Disclosure Officer, Financial  
Management Service, U.S. Department  
of the Treasury, Liberty Loan Building,  
Room 520, 401 14th Street, SW.,  
Washington, DC 20226.

**CONTESTING RECORD PROCEDURES:**

See "Record access procedures"  
above.

**RECORD SOURCE CATEGORIES:**

Individuals, executors, administrators  
and other involved persons.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 00.001

**SYSTEM NAME:**

Correspondence Files and  
Correspondence Control Files—  
Treasury/IRS.

**SYSTEM LOCATION:**

Various offices of the Internal  
Revenue Service maintain files of  
correspondence received. (See IRS  
Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- (1) Initiators of the correspondence.
- (2) Persons upon whose behalf the correspondence was initiated.
- (3) Subjects of the correspondence.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

- (1) Correspondence received.
- (2) Responses to correspondence.
- (3) Associated records. Special categories of correspondence may be included in other systems of records described by specific notices. Files are maintained in

connection with a variety of correspondence received and the uses vary—widely in accordance with the content of the correspondence. Correspondence may include letters, telegrams, memoranda of telephone calls, and other forms of communication.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED BY THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

A record or information from a record maintained in this system of records may be disclosed as a routine use: (1) To the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) To other agencies to the extent provided by law or regulation and as necessary to report apparent violation of law to appropriate law enforcement agencies. (3) To appropriate Federal, State, local, or foreign agencies responsible for enforcing or implementing a statute, rule, regulation, order or license. (4) To a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant or other benefit. (5) In response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony to courts, magistrates or administrative tribunals, to parties and their attorneys in connection with litigation or settlement of disputes, to individuals seeking information through established discovery procedures in connection with civil, criminal or regulatory proceedings. (6) To foreign governments in accordance with formal or informal international agreements. (7) To a Congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (8) To the news media, in accordance with guidelines contained in 28 CFR 50.2, concerning this agency's functions relating to civil and criminal proceedings. (9) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (10) To third parties during the course of an investigation to the extent necessary to

obtain information pertinent to the investigation. (11) To the extent that any records in this system constitute return information, they may be disclosed only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and/or magnetic media.

**RETRIEVABILITY:**

Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally. No centralized index exists.

**SAFEGUARDS:**

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Disposition varies in accordance with the nature of the correspondence file, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Head of the Office maintaining the file. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if a system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in a system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the office believed to have received the correspondence.

**CONTESTING RECORD PROCEDURES:**

See Access procedures above.

**RECORD SOURCE CATEGORIES:**

Information supplied by the initiators of the correspondence and information secured internally from other systems of records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury/IRS 00.002****SYSTEM NAME:**

Correspondence Files/Inquiries About Enforcement Activities—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, National Computer Center, Data Center, Regional Offices, District Offices and Service Centers. (See Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Initiators of correspondence. (2) Persons upon whose behalf the correspondence was initiated. (3) Persons who are subjects of the correspondence. Includes individuals for whom tax liabilities exist, individuals who have made a complaint or inquiry relative to an Internal Revenue tax matter, or individuals for whom a third party is interceding relative to an Internal Revenue tax matter.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number (if applicable), information about tax matters (if applicable), chronological investigative history. Other information relative to the conduct of the case and/or the taxpayer's compliance history (if applicable). Correspondence may include letters, telegrams, memoranda of telephone calls and other forms of communication.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) To appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license. (3) To a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To a court, magistrate, or administrative

tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) In response to a court subpoena, to appropriate parties engaged in litigation or in preparation of possible litigation such as potential witnesses for the purpose of securing their testimony to courts, magistrates or administrative tribunals, to parties and their attorneys in connection with litigation or settlement of disputes, to individuals seeking information through established discovery procedures in connection with civil, criminal or regulatory proceedings. (6) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To the news media, in accordance with guidelines contained in 28 CFR 50.2 concerning this agency's functions relating to civil and criminal proceedings. (8) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (11) Disclosure may be made to other agencies to the extent provided by law or regulation and as necessary to report apparent violation of law to appropriate law enforcement agencies. (12) Information may be disclosed to States, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States, to assist in the administration of tax laws.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and/or magnetic media.

**RETRIEVABILITY:**

Controlled items are generally retrievable by name; some items are not retrievable, depending upon the controls established locally. No centralized index exists.

**SAFEGUARDS:**

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Disposition varies in accordance with the nature of the correspondence file,

but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioners, Regional Commissioners, District Directors and Service Center Directors of Internal Revenue.

**NOTIFICATION PROCEDURE:**

This system is exempt from the notification provisions of the Privacy Act.

**RECORD ACCESS PROCEDURE:**

This system is exempt from the Access and Contest provisions of the Privacy Act.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 10.001****SYSTEM NAME:**

Biographical Files, Public Affairs—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices and Service Centers (see IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS Employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records are biographical data and photographs of key IRS employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used to disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Information contained in this system may be included in news releases issued to the media and the public.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Stored in file cabinets without locks or on magnetic media.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Office doors locked at night.

**RETENTION AND DISPOSAL:**

Generally governed by the Records Management Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant to the Commissioner (Public Affairs), Regional, District and Service Center Public Affairs Officers (see IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, DC 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

See Access.

**RECORD SOURCE CATEGORIES:**

Information is supplied by the IRS official on an IRS biographical data form.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 10.004

**SYSTEM NAME:**

Subject Files, Public Affairs—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices and Service Centers (see IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

In general, records are maintained on individuals whose names have been mentioned in the press in connection with their relationship with IRS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The records include correspondence, newspaper clippings, inter-office memoranda and similar documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

To the extent information contained in this system is used in response to inquiries from the media, routine disclosures may be made to the media and the public.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are stored in file cabinets without locks or on magnetic media.

**RETRIEVABILITY:**

Alphabetical by subject.

**SAFEGUARDS:**

Office doors locked at night.

**RETENTION AND DISPOSAL:**

Generally governed by the Records Disposition Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant to the Commissioner (Public Affairs), Regional, District and Service Center Public Affairs Officers (see IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant to the Commissioner (Public Affairs), IRS, Washington, DC 20224, for national office file. See Appendix A for appropriate address for regional and district office or service center files.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed as in Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

See Access.

**RECORD SOURCE CATEGORIES:**

Records generally are clippings from newspapers, magazines, and similar sources, internal documents and memoranda.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 21.001

**SYSTEM NAME:**

Tax Administration Advisors Resources File, Office of Tax Administration Advisory Services—Treasury/IRS.

**SYSTEM LOCATION:**

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past and potential tax administration advisors who have served or indicated an interest in serving on advisory assignments, and selected officials engaged in tax administration and related fields.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applicant roster database, locator cards and lists with names, addresses, telephone numbers, and organizational affiliations of officials engaged in tax administration; work assignment or application folders of past and potential tax administration advisors, which contain employment history, information, medical abstracts, security clearances, and passport information; bio-data sketches on IRS employees and others engaged in tax administration and related fields.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Maintained for use by office management officials as a reference in obtaining and presenting information related to tax administration, and for administrative selection and processing of overseas and domestic assignments. The records and information in these records may be used to disclose information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Routine disclosure of information contained in this system of



records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

By individual name.

**SAFEGUARDS:**

Access limited to authorized office personnel. File folders kept in locked file or locked room.

**RETENTION AND DISPOSAL:**

Disposed when no longer useful or official use. Auth: IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Assistant Commissioner (International) (see IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Office of the Assistant Commissioner (International) 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Office of the Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B.

Address inquiries to the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024.

**RECORD SOURCE CATEGORIES:**

From the individual, from the organization with which he is associated, or from other knowledgeable experts in the field of Tax Administration.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.003

**SYSTEM NAME:**

Annual Listing of Undelivered Refund Checks, D:R:T—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers and District Offices (see IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers whose refund checks have been returned as undeliverable since the last Annual Listing of Undelivered Refund Checks was produced.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity information (Name, Street Address, City, State, Zip Code and Taxpayer Identification Number) and records containing tax module information (Tax Period, Amount of Credit Balance and Control Document Locator Number).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Individuals entitled to undeliverable refund checks will be notified of such checks by publication of their names in the news media. Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper document stored in files or on magnetic media.

**RETRIEVABILITY:**

Information is retrievable by taxpayer's name or taxpayer identification number (social security number (SSN) or employer identification number (EIN)).

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

The policies and practices regarding retention and disposal are as specified in IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resided at the time he/she filed the return which created the undeliverable refund. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resided at the time he/she filed the return which created the undeliverable refund. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.011

**SYSTEM NAME:**

File of Erroneous Refunds, D:R:R—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers issued erroneous refunds.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Case reference name, number, control number, date of erroneous refund, statute expiration date, status of case, location, correspondence and research material.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper document file.

**RETRIEVABILITY:**

Retrieved by social security number (SSN) or employer identification number (EIN).

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Retained four years then destroyed. Auth: IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made

in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.026

**SYSTEM NAME:**

FORM 1042S Index By Name of Recipient, D:R:R—Treasury/IRS.

**SYSTEM LOCATION:**

Philadelphia Internal Revenue Service Center (see IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Non-resident aliens and U.S. citizens living abroad whose taxes are covered by IR Chapter 3 Withholding.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records include taxpayer's name, address, tax data, country of residence and employer identification number and name of withholding agent.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Microfilm.

**RETRIEVABILITY:**

By taxpayer name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Retained at Service Center 5 years, then at Federal Records Center 25 years. Auth: IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Director, Philadelphia Internal Revenue Service Center. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record

pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.027

**SYSTEM NAME:**

Foreign Information System (FIS), D:R:R—Treasury/IRS.

**SYSTEM LOCATION:**

Detroit Data Center, Philadelphia Internal Revenue Service Center, its servicing Federal Records Centers, all Regional Offices, District Offices and National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers who file Form 5471, Information Return with Respect to a Foreign Corporation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity records (name, address, and identification number), foreign corporation identification, information relating to stock, U.S. shareholders, Earnings and Profits, Balance Sheet, and other available accounting information relating to a specific taxable period.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media. (Various tables are published from this media.)

**RETRIEVABILITY:**

Documents are stored and retrieved by Document Locator Numbers.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Retention and Disposal Instructions for this file are as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59.26.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R).

Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the areas in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.032

**SYSTEM NAME:**

Individual Microfilm Retention Register, D:R:R.—Treasury/IRS.

**SYSTEM LOCATION:**

All IRS Service Centers, District Offices, and National Computer Center. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Categories of individuals on whom records are maintained are: For Individual Master File (IMF) registers—Individuals who file, or may be required to file, individual tax returns such as Form 1040, 1040A, or 1040EZ.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records maintained are abstracts of tax and/or entity modules that have been removed from the IMF. These abstract records indicate the taxpayer name, identification number, specific tax returns filed, document locator number, tax years, debit and credit amounts, balances, and other transactions which have been recorded relative to the module(s).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Microfilm Tape.

**RETRIEVABILITY:**

IMF Reference Register (for IMF Register only), taxpayer identification number, Tax Period, name, and type of tax Methods of retrievability are explained in the Research Operations Handbook, IRM 36(66)0.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers, and National Computer Center. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.034

**SYSTEM NAME:**

Individual Returns Files, Adjustments and Miscellaneous Documents Files. D:R:R.—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers or return preparers who have had changes made to their accounts, or have had information posted to the Individual Master File or other tax accounting files as a result of filing returns, applications, or other documents, or as a result of actions initiated by the Service. A record will be maintained for those taxpayers whose individual income tax overpayments



have been retained or transferred from the IMF to apply against past due child and/or spousal support payments as reported to IRS by the states under Pub. L. 97-35.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

A variety of records reflecting tax matters which have served as input documents or supporting documentation for entries on the Individual Master File, or other tax accounting files, including tax return forms, declarations, applications, case records, processing documents, vouchers, computer notices, posting and correction forms, Interest Equalization Tax Forms, withholding allowance certificates, and similar records.

Information will be maintained as to the name, SSN, address of individuals owing past due child and/or spousal support payments submitted by states under Pub. L. 97-35. Also maintained will be the name of the submission state, the amount owed, and the amount of any individual income tax overpayment retained and transferred to the state to apply against the amount owed.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper document files or magnetic media.

##### RETRIEVABILITY:

Documents are stored and retrieved by Document Locator Numbers and by taxpayer name. The Document Locator Numbers can be determined by reference to the Individual Master File entries for the individual to whom they relate.

##### SAFEGUARDS:

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Retention and Disposal Instructions for paper documents and magnetic media in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59.26.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 22.043

#### SYSTEM NAME:

Potential Refund Litigation Case Files, D:R:R—Treasury/IRS.

#### SYSTEM LOCATION:

Internal Revenue Service Centers and Federal Records Centers. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who have indicated to the Service that they may file suit against the Service for a refund.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Forms filed by the taxpayer and case documents determined by the Service to be related.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

This is a paper document file.

##### RETRIEVABILITY:

Documents are stored and retrieved by taxpayer name.

##### SAFEGUARDS:

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Retention and Disposal Instruction for paper documents in these files is as specified in the Records Disposition Handbook, Service Centers, IRM 1(15)59.26.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.



**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.044

**SYSTEM NAME:**P.O.W./M.I.A. Reference File, D:R:T—  
Treasury/IRS.**SYSTEM LOCATION:**

Austin Service Center and each district office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

P.O.W./M.I.A.-originated from Department of Defense lists.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Lists of P.O.W./M.I.A., Regulations, Rulings, and Instructions as to how to handle specific tax questions relating to their special tax status, copies of individual tax returns, claims, and other documents germane to specific cases.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents in file folders.

**RETRIEVABILITY:**

Cases filed alphabetically by last name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

All cases have been retained and no current provisions have been established for disposal. Auth: IRM (15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Director, Internal Revenue Austin Service Center and District Directors of Internal Revenue. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record

pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 22.054

**SYSTEM NAME:**Subsidiary Accounting Files, D:R—  
Treasury/IRS.**SYSTEM LOCATION:**

Internal Revenue Service Centers and District Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The categories of individuals on whom records are maintained are taxpayers affected by one or more of the transactions reflected in the categories of records listed below.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The types of records maintained in the system are documents containing entity information (name, address, social security number or employer identification number and other information necessary to identify the taxpayer) and accounting information relevant to one of the following categories: Funds held pending, disposition and not applied to the taxpayer's liability at present, properties, tangible or intangible, now in the custody of the Internal Revenue Service, counterfeit money, misappropriations or robbery of Internal Revenue Service funds, credits which cannot be applied to a specific taxpayer

account at this time, accounts transferred to other Service Centers or agencies, substantiation for the receipt of funds collected by the Service for other agencies, abatements or assessments of tax on individuals, deposits received from taxpayers, refunds to taxpayers, taxpayer accounts written off by the Service as uncollectible, credits allowed taxpayers requiring special consideration due to processing constraints, litigation, seized and acquired property and Offers-in-Compromise. A General Ledger with all fiscal accounting information is maintained within the RACS system which is an automated accounting control system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Accounting Files consist of paper documents and computer printouts stored in files.

**RETRIEVABILITY:**

Records are retrievable by Social Security number and by name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

**RETENTION AND DISPOSAL:**

Records are retired to the Federal Records Center and are retrieved by request from authorized individuals where account substantiation is necessary. Policies regarding disposal are as specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing



at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account. Some Justice Department investigations are an additional source for the information contained in litigation case files.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 22.059

#### SYSTEM NAME:

Unidentified Remittance File, D:R—Treasury/IRS.

#### SYSTEM LOCATION:

Internal Revenue Service Centers. See IRS Appendix A for locations.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Remittances which have been received but cannot be positively identified, either as to the taxpayer who sent it or the tax period to which it is to be applied.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Each record contains a fourteen digit unidentified remittance (UR) control number, the amount, received date, and all known identifying data. In addition, the UR contains a record of all doubtfully applied Estimated Tax (ES) credits. The ES record contains the taxpayer's name, address, type of payment, taxpayer identification number, tax period, received date, money amount, and the transaction document locator number (DLN).

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Disk Storage.

##### RETRIEVABILITY:

Remittance amount, unidentified remittance control number, taxpayer name.

##### SAFEGUARDS:

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16) 41.

##### RETENTION AND DISPOSAL:

180 days after the amount is reduced to zero balance. Auth: IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

##### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

##### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

Remittances received from taxpayers that cannot be positively identified either as to the taxpayer who sent it or

the type of tax to which it is to be applied.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 22.060

#### SYSTEM NAME:

Unit Ledger Cards, D:R:R—Treasury/IRS.

#### SYSTEM LOCATION:

Internal Revenue Service Centers and Records Center.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on taxpayers having accounts with the Internal Revenue Service which are not compatible with normal master file processes; e.g., penalties, transferee assessments, termination assessments, excise protest accounts, Master File overflow accounts, culpable and non-petitioning spouses, Forms 1042, 1040-NR, 926, 5330, 4720, 990-AR (Penalty) and any pre-ADP returns. Also, a record will be maintained for those taxpayers whose individual income tax overpayment have been retained and transferred from the IMF to apply against past due child and/or spousal support payments as reported to IRS by the States under Pub. L. 97-35.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records maintained are taxpayer entity records (name, address, taxpayer identification number or employer identification number and other indicators relevant to entity maintenance) and records containing tax module information (the tax return, the tax period, the balance due or credit balance, and transactions which have been recorded relative to the module). Information will be maintained as to the name, SSN, address of individuals owing past due child and/or spousal support payments submitted by the States under Pub. L. 97-35. Also maintained will be names of the submission state, the amount owed, and the amount on any individual income tax overpayment retained and transferred to the state to apply against the amount owed.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Card file.

**RETRIEVABILITY:**

Information is retrievable by Taxpayer Identification Number (social security number or employer identification number).

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1 (16) 41.

**RETENTION AND DISPOSAL:**

Disposition is prescribed in IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 22.061**

**SYSTEM NAME:**

Wage and Information Returns Processing (IRP) File; D:R—Treasury/IRS.

**SYSTEM LOCATION:**

National Computer Center, Martinsburg, W. Va.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Recipients of various types of income: wages; dividends; interest; rents and royalties; medical payments; capital gains distributions; non-taxable distributions; pensions, annuities, retired pay or IRA payments; patronage dividends, distributions, and allocations; fishing crew payments; sales or redemption of securities, future transactions, commodities, bartering exchange transactions; original issue discount; distributions and prizes; currency transactions; state tax refunds; unemployment compensation, agricultural payments, taxable grants, indebtedness forgiveness; non-employees compensation; gambling winnings; and miscellaneous income.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records maintained are records representing certain wage and information returns: Forms W-2, W-2P, the 1087 and 1099 series; currency transaction reports; state tax refunds; statements of sales of equity obligations; and records of agricultural subsidy payments. Information included on each record identifies the recipient of the income (name, address, taxpayer identifying number, and other indicators relating to payee identification), identifies the income payer (very similar information), and identifies the type(s) and amount(s) of income.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Magnetic tape in social security number sequence

**RETRIEVABILITY:**

By taxpayer social security number and name control.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Until tax year 1974, only until processed; after tax year 1974, four years; then magnetically erased. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (D:R), National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A for locations.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 24.013**

**SYSTEM NAME:**

Combined Account Number File, Returns and Information Processing, D:R:R—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and businesses having specific, current business with IRS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax



returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance; no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Disk storage.

**RETRIEVABILITY:**

Social security number or employer identification number.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Index IRM 1(16)41.

**RETENTION AND DISPOSAL:**

The policies and practices regarding storage, retention, and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in the Internal Revenue Manual. The disposal of documents output from this file is specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner Returns and Information Processing. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 24.029

**SYSTEM NAME:**

Individual Account Number File (IANF), Returns and Information Processing—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals having specific, current business with IRS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity records (name, address, taxpayer identification number, and filing requirements related to entity liability); and tax modules (specific tax returns, tax years, and transactions which have been recorded relative to the module) when specifically requested by a service center, or if a notice for balance of tax due has been issued; a specific tax period is in taxpayer delinquent account status (TDA); a specific tax period is either credit or debit balance, no return has posted and the return due date (RDD) has passed; or when a specific tax period is in taxpayer delinquent return (TDI) status.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Disk storage.

**RETRIEVABILITY:**

Social security number.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

The policies and practices regarding storage, retention and disposal are governed by the principle that a specific tax period will be retained on the file dependent upon specified criteria prescribed in IRM 1(15)59. The disposal of documents output from this file is specified in the Records Retention Handbook published by the Service and in the Internal Revenue Manual.

**SYSTEM MANAGER(S) AND ADDRESS:**

Officials prescribing policies and practices—Assistant Commissioner Returns and Information Processing. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.



**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 24.030

**SYSTEM NAME:**

Individual Master File (IMF): Returns and Information Processing, D:D:T—Treasury/IRS.

**SYSTEM LOCATION:**

National Computer Center (NCC), Martinsburg, West Virginia.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers who file Federal Individual Income Tax Returns (i.e. Forms 1040, 1040A and 1040EZ) and power of attorney notifications for individuals.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity records (name, address, identification number (SSN) and other indicators pertaining to entity maintenance, including zip code), and tax modular records which contain all records relative to specific tax returns for each applicable tax period or year. Modular records for authorization information (name, address, identification number and type of authority granted, and the name of the representative(s) for the taxpayer. Modular records for the representative (name, address and unique identification number). Recorded here are tax transactions such as tax amount, additions, abatements of tax payments, interest and like type transactions recorded relative to each tax module, power or attorney authorization transactions, and a code identifying taxpayers who threatened or assaulted IRS employees. An indicator will be added to any taxpayer's account who owes past due child and/or spousal support payments and whose name has been submitted to IRS by a state under provisions of Pub. L. 97-35.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media.

**RETRIEVABILITY:**

By identification number and alphabetically.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Disposition Handbook published by the Service, IRM 1(15)59. The code identifying taxpayers who threatened or assaulted IRS employees may be removed after five years after initial input.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner Returns and Information Processing. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 24.046

**SYSTEM NAME:**

Business Master File (BMF), Returns and Information Processing, D:R:R—Treasury/IRS.

**SYSTEM LOCATION:**

National Computer Center (NCC) Martinsburg, West Virginia.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons in a sole proprietary role who file Excise Tax Returns (Form 720), Wagering Returns (Form 11C and 730), Highway Use Returns (Form 2290), and U. S. Fiduciary Return (Form 1041) and Estate and Gift Taxes (Form 706, 706NA and 709). The latter can be individuals not in a sole proprietorship role.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer entity records (name, address, identification name (TIN) which may be either EIN or SSN, and other indicators pertaining to entity maintenance, including Zip Code), and tax modules which are all the records relative to specific tax returns for each applicable tax period. Recorded are tax transactions such as tax amount, statements/additions to tax, payments, interest and like type transactions relative to each tax module.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media.

**RETRIEVABILITY:**

By name, type of tax, and identifying number.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Returns and Information Processing). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)



**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with Instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Tax returns and other filings made by the individual and agency entries made in the administration of the individual's tax account.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 24.070

**SYSTEM NAME:**

Debtor Master File (DMF)—Treasury/IRS.

**SYSTEM LOCATION:**

National Computer Center (NCC), Martinsburg, West Virginia.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The file is built upon the entity records, name and social security number (SSN), of people who have delinquent obligations to a Federal or state agency. It will contain the amount owed by the obligor, the name of the Federal or state agency to whom the obligation is owed and a cross-reference number (SSN) of the spouse in the case of a jointly filed return.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 6305, 26 U.S.C. 6402 (c) and (d), 31 U.S.C. 3720A.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape and disk file.

**RETRIEVABILITY:**

Name, address and social security number.

**SAFEGUARDS:**

Safeguards will not be less than those provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

The information is kept for one year, then destroyed. A new Debtor Master File is established each year.

**SYSTEM MANAGER(S) AND ADDRESS:**

Officials prescribing policies and practices—Assistant Commissioners, Returns and Information Processing and Computer Services. Officials maintaining the system—Directors, Returns Processing and Accounting, and Software Divisions. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contain a record pertaining to themselves, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center servicing the area in which the individual resides.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking to contest any record contained in the system of records must contact the agency to whom the debt is owed.

**RECORD SOURCE CATEGORIES:**

Names, SSNs, and obligation amount are supplied by the Federal or state agency to whom the delinquent obligation is owed.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 26.001

**SYSTEM NAME:**

Acquired Property Records, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Delinquent taxpayers whose property has been acquired by purchase by government or right of redemption.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number, revenue officer reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

Retrievable by taxpayer name, taxpayer identification number, seizure number.

**SAFEGUARDS:**

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.



**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.006

**SYSTEM NAME:**

Form 2209, Courtesy Investigations, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices Service Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers on whom a delinquent account or delinquency or other investigation is or was located in one IRS district office, but the individual is now living or has assets located in the jurisdiction of another IRS District office. Taxpayers on whom an investigation has been initiated for purposes of securing information necessary for federal tax administration purposes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains taxpayer name, current and former addresses, taxpayer identifying number, if known. Contains the information, including class of tax, if applicable, or information concerning the action desired to be taken. The name and address of party that was contacted, chronological investigative history and/or information secured. The following types of investigations are included in this system: Form SSA-1273 cases—Notice of determination of FICA wages—issued when SSA obtains evidence that wages paid to claimant have not been recorded on his earnings record; requests for data needed in proof of claim cases; applications for discharge of property from tax lien; service of tax court subpoenas; complaints of employers failing to provide withholding statements; recovery of unassessable erroneous refunds; Form SSA-7010 cases—Request for preferential investigation. This is a request for preferential treatment (over other SSA cases) on an earning discrepancy case. Secure application for exemption from self-employment tax. Offers in compromise and related

activities; i.e., follow-up on defaulted installments, secure payments on collateral agreements, etc. Maximize compliance with withholding requirements on alien's earnings; other miscellaneous uses.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper Records, magnetic media.

**RETRIEVABILITY:**

By taxpayer name and taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors and Service Center Directors. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.008

**SYSTEM NAME:**

IRS and Treasury Employee Delinquency, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices and Service Centers. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS and Treasury employees who are shown on the Master File as delinquent in meeting Federal tax requirements.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, social security number, address, fact of IRS or Treasury employment code, District location code.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By taxpayer name, taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—Assistant Commissioner (Collection), Regional Commissioners, District Directors and Service Center Directors. (See IRS Appendix A).



**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.009

**SYSTEM NAME:**

Lien Files (Open and Closed), OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers on whom Federal tax liens have been filed.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number, information about basis of assessment including class of tax, period, dollar amount. Open and closed Federal tax liens including: Certificates of Discharge of Property from Federal Tax Lien; Certificates of Subordination; Certificates of Non-Attachment; Exercise of Government's Right of Redemption of Seized Property; Releases of Government's Right of Redemption. Federal tax lien information entered in Treasury Enforcement Communications System.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802, 26 U.S.C. 6323.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. Notices of lien and the index thereto are available to the public.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By taxpayer name, taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—Assistant Commissioner (Collection), Regional Commissioners, District Directors and Service Center Directors. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

This system contains copies of public records, the originals of which are filed in accordance with the laws of each State, the District of Columbia, the Commonwealth of Puerto Rico, or possessions of the United States. See Notification above.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers' Federal Tax Returns.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 26.010

**SYSTEM NAME:**

Lists of Prospective Bidders at Internal Revenue Sales of Seized Property, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who have requested that they be notified of Internal Revenue sales of seized property.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and address and phone number (if provided).

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation (2) to disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations in response to a subpoena, or in connection with criminal law proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By name of prospective bidder.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors determine if need for this system exists. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record



pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director of Internal Revenue Service servicing the area in which the individual resides.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of Internal Revenue Service servicing the area in which the individual resides.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Supplied voluntarily by the subject prospective bidder.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 26.011

#### SYSTEM NAME:

Litigation Case Files, OP:C—Treasury/IRS.

#### SYSTEM LOCATION:

District Offices (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers on whom Federal tax assessments have been made but against whom litigation has been initiated or is being considered by the government or who have instituted suits against the government.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, and dollar amount. This file includes: Suit to Reduce Tax Claim to Judgment; Suit for Failure to Honor a Levy; Suit to Enforce Federal Tax Lien; Suit Against Transferee; Suit to Set Aside Fraudulent Transfer; Suit to Recover Erroneous Refund; other suits include those which the United States may intervene to assert a Federal tax lien; a proceeding to require opening of a safe deposit box, etc. The following suits against the United States are also included in this file: Quiet Title Suit; Foreclosure of Mortgage or other Lien; Partition; Condemnation; Interpleader; Refund Suits Involving 100-Percent Penalty Assessments; Injunction Suits under Freedom of Information Act. Also included in Litigation Files are:

Individuals against whom bankruptcy proceedings are pending; decedent estates in probate with outstanding Federal tax liabilities; individuals executing Assignments for the Benefit of Creditors; individuals in Receivership Proceedings; individuals conducting a bulk sale; summons referrals; subpoena files; advisory opinions; collateral security agreements; revenue officer reports; and various other legal instruments and correspondence.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records, magnetic media.

##### RETRIEVABILITY:

By taxpayer name, taxpayer identification number.

##### SAFEGUARDS:

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

As specified in Records Disposition Handbook IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection), Officials maintaining the system: District Directors. (See IRS Appendix A).

##### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

##### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

This system of records contains investigative material compiled for law

enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.012

#### SYSTEM NAME:

Offer in Compromise (OIC) File, OP:C—Treasury/IRS.

#### SYSTEM LOCATION:

District Offices, Service Centers, and Regional Offices. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who have submitted an offer to compromise a liability imposed by the Internal Revenue Code.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Form 2515, used to control offer cases, contains space for entering taxpayer name, address, taxpayer identification number, and all other pertinent information for identifying and assigning the OIC investigation. The file contains all records, documents, reports and work papers relating to the assignment, investigation, review and adjudication of the offer. This includes such items as the original offer, results of property records checks, interviews with third parties and the taxpayer, collateral income agreements, financial statements, tax return copies, and other information submitted by the taxpayer.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103, and to the extent necessary to permit public inspection of any accepted offer-in-compromise as required by 26 U.S.C. 6103 (k)(1).

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records, magnetic media.

##### RETRIEVABILITY:

By taxpayer name.



**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—Regional Commissioners, Service Center Directors and District Directors. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported. If an offer is accepted, an Abstract and Statement which identifies the taxpayer, the liability, the amount compromised and the basic circumstances of the case is made available for public inspection in accordance with Executive Order 10386 and Executive Order 10906.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.013

**SYSTEM NAME:**

One Hundred Percent Penalty Cases, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices and Service Centers. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals against whom Federal tax assessments have been made or are being considered as a result of their being deemed responsible for payment of unpaid corporation withholding taxes and social security contributions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar figures, waiver extending the period for asserting the 100-percent penalty (if any) and correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By individual, or corporation name, taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

System manager(s) and address: Official prescribing policies and practices:

Assistant Commissioner (Collection). Officials maintaining the system: District Directors and Service Center Directors. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.014

**SYSTEM NAME:**

Record 21, Record of Seizure and Sale of Real Property, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals against whom tax assessments have been made and whose real property was seized and sold to satisfy their tax liability. Also name and address of purchaser.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, property description.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The contents of this system of records evidences chain of title to real property and is a matter of public record.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By taxpayer name, taxpayer identification number and seizure number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection); officials maintaining the system—District Directors. (See IRS Appendix A).



**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to District Director for each District whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may address inquiries to or appear in person at the Office of District Director for each District whose records are to be searched.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records evidences chain of title to real property and is a matter of public record. (See Categories of Records above).

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 26.016

**SYSTEM NAME:**

Return Compliance Program (RCP), OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices and Service Centers (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers who may be delinquent in filing or paying Federal taxes.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records consist of name, address, taxpayer identification number (if known) and information concerning the potential tax liability. Returns Compliance Programs involve any type of Federal tax administered by the Collection Division and are conducted in accordance with Section 7601 of the Internal Revenue Code. RCP programs can be initiated by the National Office, Regional Offices, or by individual districts.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

By taxpayer name, taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection), Officials maintaining the system—District Directors, and Service Center Directors. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.019

**SYSTEM NAME:**

TDA (Taxpayer Delinquent Accounts) including subsystems: (a) Adjustments and Payment Tracers Files, (b) Collateral Files, (c) Seized Property Records, (d) Tax Collection Waiver, Forms 900, Files, (e) Accounts on child support obligations, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices and Service Centers (see IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers on whom Federal tax assessments have been made, and persons who owe child support obligations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts, chronological investigative history, cancelled checks, amended returns, claims, collateral submitted to stay collection, copies of notices of Federal tax liens, revenue officer reports, waivers to extend statutory period for collection, etc., and similar information about persons who owe child support obligations. This system includes Installment Agreement Files; Delinquent Account Inventory Profile (DAIP); Currently Not Collectible Register; Currently Not Collectible Register (over \$25,000); Advance Dated Remittance Check Files; Currently Not Collectible Accounts Files; File of taxpayer names entered in the Treasury Enforcement Communications System and a code identifying taxpayers that threatened or assaulted IRS employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

By taxpayer name, or name of person who owes child support obligations, and taxpayer identification number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner



(Collection) Officials maintaining the system—District Directors and Service Center Directors. (See IRS Appendix A).

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) precludes Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.020

#### SYSTEM NAME:

TDI (Taxpayer Delinquency Investigation) Files, OP:C—Treasury/IRS.

#### SYSTEM LOCATION:

District Offices and Service Centers. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers believed to be delinquent in filing Federal tax returns.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information from previously filed returns, information about the potential delinquent return(s), including class of tax, chronological investigative history; Delinquency Investigation Inventory Profile (DIIP) and a code identifying taxpayers that threatened or assaulted IRS employees.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

Storage: Paper records and magnetic media.

#### RETRIEVABILITY:

By taxpayer name, taxpayer identification number.

#### SAFEGUARDS:

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

#### RETENTION AND DISPOSAL:

As specified in Records Disposition Handbook, IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors and Service Center Directors. (See IRS Appendix A).

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system of records has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.021

#### SYSTEM NAME:

Transferee Files, OP:C—Treasury/IRS.

#### SYSTEM LOCATION:

District Offices. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Includes taxpayers on whom tax assessments have been made but who have allegedly transferred their assets in order to place them beyond the reach of the government.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Taxpayer name, address, taxpayer identification number, information about basis of assessment, including class of tax, period, dollar amounts. Also, the name, address, taxpayer identification number and related information about transferee.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper record, magnetic media.

##### RETRIEVABILITY:

By taxpayer name, taxpayer identification number.

##### SAFEGUARDS:

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

As specified in Records Disposition Handbook, IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors, Service Center and Data Center Directors. (See IRS Appendix A).

##### NOTIFICATION PROCEDURE:

This system of record may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

##### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.



**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 26.022

**SYSTEM NAME:**

Delinquency Prevention Programs, OP:C—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers having a history of Federal tax delinquency.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Taxpayer name, taxpayer identification number, address, filing requirements, chronological investigative history.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

By taxpayer name.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Collection). Officials maintaining the system—District Directors, Service Center Directors, and Data Center Director. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigative material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 30.003

**SYSTEM NAME:**

Requests for Printed Tax Materials Including Lists—Treasury/IRS.

**SYSTEM LOCATION:**

National Office (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Files include those individuals that request various IRS printed materials such as publication 1045, reproduction proofs, etc.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name and address of individual or company wanting to receive District Director's newsletters, and/or ordering tax forms materials on certain distribution programs. (i.e. tax Practitioner Program; Bank, Post Office and Library Program; Reproducible Forms Program, etc.). A cross reference index may be developed to identify and control requests.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine disclosure of information contained in this system of records may be made: (1) To mailing or distribution services contractors for the purpose of executing mailouts, order fulfillment, or subscription fulfillment. (2) To mailing or distribution services contractors for the purpose of maintaining mailing lists.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies

as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(e)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media, paper records or mailing plates.

**RETRIEVABILITY:**

Alphabetically or numerically, by zip code.

**SAFEGUARDS:**

Not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

In accordance with IRM 1(15)59.31, RCS 301, GRS 13, Printing, Binding, Duplication, and Distribution Records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Publishing Services Branch, National Office, (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Chief, Publishing Services Branch (See IRS Appendix A).

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Chief, Publishing Services Branch (See IRS Appendix A).

**RECORD SOURCE CATEGORIES:**

The information is supplied by the individual and/or company making the request. The Service adds data pertaining to the fulfillment of the request.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None

Treasury/IRS 30.004

**SYSTEM NAME:**

Security Violations—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, Service Centers, and District Offices. (See IRS Appendix A).



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Violators of IRS Security Regulations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of violator, circumstances of violation (date, time, actions of violator, etc), supervisory action taken.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

File folder (notices of violation); 3 x 5 inch card file; and electronic storage.

**RETRIEVABILITY:**

3 x 5 inch card file-name; lateral file cabinets, access by security officer and staff only.

**RETENTION AND DISPOSAL:**

As specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Security Offices, National Office, Regional Office District Offices and Service Centers. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Chief, Property, Security, and Records Unit, National Office, or security officer for regional offices, service centers, and district offices. (See IRS Appendix A).

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager as noted.

**RECORD SOURCE CATEGORIES:**

Contract Guard Force and Security Inspections.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 32.001

**SYSTEM NAME:**

Travel Expense Record—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices and District Offices. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All IRS employees who have incurred travel or moving expenses in conjunction with official business.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records consist of travel advances, personal travel vouchers, household move vouchers, Forms W-2, Schedule of Disbursements, GAO decisions/rulings, Transportation Requests, Overdue Notices, Certification of Deposits, Government Bills of Lading & Forms 2221, (Schedule of Collections). Records are for the purpose of maintaining accurate financial accounting of travel and moving expenses of employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

GAO Policy and Procedures Manual for Guidance of Federal Agencies, Title 2, Chapter 2, Sections 5 & 6.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes. (4) Routine disclosure of information may be made to furnish another federal agency information to affect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(e)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media or paper records.

**RETRIEVABILITY:**

Alphabetically or numerically.

**SAFEGUARDS:**

Access is restricted to designated Fiscal Management employees, to individuals concerned on a need-to-know basis, and to administrative offices through the authority of the Travel Management Supervisor. As required, IRS Internal Audit and Security have access to the files.

**RETENTION AND DISPOSAL:**

Retired after one to three years to Federal Records Center; disposed in accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, IRS National Office, Financial Operations Branch, or Chief, Accounting Section, IRS Regional Offices. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate System Manager.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate System Manager.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Information supplied by employees, by GAO as required, and consumer reporting agencies.



**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 32.003

**SYSTEM NAME:**

Schedules of Collections and Schedules of Cancelled Checks—Treasury/IRS.

**SYSTEM LOCATION:**

National Office and Regional Offices. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Checks received from employees in connection with jury duty and overpayments. System maintained to place all collections under security control promptly upon receipt and to record amount of deposit to general ledger control accounts.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes. (4) Routine disclosure of information may be made to furnish another federal agency information to effect inter-agency salary offset; to furnish a consumer reporting agency information to obtain commercial credit reports; to furnish debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to 'consumer reporting agencies' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records maintained in locked file cabinet.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Access controls are not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Records are maintained until transferred to the Federal Records Center to be retained in accordance with the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, National Office Financial Operations Branch, or Chief, Accounting Section, Regional Offices. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Employees, District Directors, Regional Commissioners.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.003

**SYSTEM NAME:**

Assignment and Accountability of Personal Property Files—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, Service Centers, IRS

Data Center and National Computer Center. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

All individuals receiving Government property for temporary use and repair.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Descriptions of property, receipts, reasons for removal, and property passes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and FPMR (41 CFR)101-19.108.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution of civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Information is stored on various forms and ledgers maintained in locked filing cabinets.

**RETRIEVABILITY:**

Indexed alphabetically by name.



**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

In accordance with the Records Disposition Handbook, IRM 1(15)59.31, RCS 301, General Records Schedule 18, Security and Protective Services Records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Space and Property Branch, National Office; Chief, National Office Facilities Management Branch; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Individuals who receive property or request property passes.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.005

**SYSTEM NAME:**

Parking Space Application and Assignment—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Internal Revenue Service employees who apply for assignment of carpool or reserved parking spaces.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the name, position title, organization, vehicle identification, arrival and departure time, and service computation date of individual or principal carpool applicant. Contains name, place of employment, duty telephone, vehicle license number and service computation date of applicants, individuals or carpool members, for parking spaces.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Disclosure may be made during judicial processes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Maintained on an 8½ x 10 inch or other local form.

**RETRIEVABILITY:**

Indexed by name of individual or principal carpool applicant.

**SAFEGUARDS:**

Records are maintained in a file cabinet in a locked room.

**RETENTION AND DISPOSAL:**

In accordance with IRM 1(15)59.311, GRS 11, Space and Maintenance Records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, National Office Protective Programs Staff, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Individuals applying for parking spaces.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.007

**SYSTEM NAME:**

Record of Government Books of Transportation Requests—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, and National Computer Center. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS employees issued Transportation Requests.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Form 496, alphabetical card record by name or the serial numbers of Transportation Requests issued to the employee; and Form 4678, numerical list by serial number listing the name of the employee to whom issued.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes. (4) Routine disclosure of information may be made to furnish another federal agency information to effect inter-agency salary offset; to



furnish a consumer reporting agency information to obtain commercial credit reports; to furnish a debt collection agency information for debt collection services; to furnish a consumer reporting agency with delinquency and default data available to private sector credit grantors.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Maintained in card file box or file cabinets.

**RETRIEVABILITY:**

By name or serial number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.31 GRS 9, Travel and Transportation Records.

**SYSTEM MANAGER(S) AND ADDRESS:**

Administrative Officers, National Office; Regional Offices, District Offices, Service Centers, IRS Data Center and National Computer Center. (See IRS Appendix A).

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Government Books of Transportation Requests and employees to whom books were issued.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 34.009**

**SYSTEM NAME:**

Safety Program Files—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS employees and others involved in an IRS motor vehicle accident, an accident or injury on IRS property, or a tort or personal property claim against the Service. All individuals issued an IRS driver's license are covered by this system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individual driving records and license applications, motor vehicle accident reports, lost time and no-lost time personal injury reports, tort and personal property claims case files, informal and formal investigative report files.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 USC 301, Executive Order 12196.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) To provide the Department of Labor in connection with investigations of accidents occurring in the work place. (3) To disclose information during judicial processes. (4) To provide information to other federal agencies for the purpose of effecting interagency salary offset or interagency administrative offset. (5) To provide information to consumer reporting agencies in accordance with 31 U.S.C. 3711(f). (6) To provide information to a debt collection agency for debt collection services. (7) To disclose pertinent information to appropriate Federal, state, local, or

foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, when the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (8) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (9) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (10) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (11) To the extent the records in this system contain return information, disclosures thereof may be made only as provided by 26 U.S.C. 6103.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

File folders with corresponding card indexes.

**RETRIEVABILITY:**

Indexed alphabetically by name.

**SAFEGUARDS:**

Access to information is restricted to official use of IRS employees and not less than that required by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

In accordance with the Records Disposition Handbook, IRM (15)59.31, RCS 301, GRS 1, 10, 18, IRM 1(15)59.1(14) and IRM 2(15)59.2(12).

**SYSTEM MANAGER(S) AND ADDRESS:**

For National Office—Safety Management Officer, Space and Property Branch, Facilities Management Division; Chief, National Office Facilities Management Branch; Regional and District Offices—Chief, Facilities Management Branch, appropriate



Regional or District office. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking to determine if the system of records contains information pertaining to themselves may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing in 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager for each office whose records are to be accessed or contested.

**RECORD SOURCE CATEGORIES:**

Information originates from IRS employees, private individuals and private parties.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.012

**SYSTEM NAME:**

Emergency Preparedness Cadre Assignments and Alerting Rosters Files—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, and Service Centers. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Key IRS and Treasury personnel.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Cadre assignments—personal information on employees; i.e., name, address, phone number, family data, security clearance, relocation assignment, etc. Alerting rosters—current listing of individuals by name and title stating their work and home address and phone numbers.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 USC 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Disclosure may be made during judicial processes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Individual forms; correspondence kept in file folders; and electronic storage.

**RETRIEVABILITY:**

Cadre assignments are filed by relocation site and alerting rosters by title of list.

**SAFEGUARDS:**

Records are kept in a secured office.

**RETENTION AND DISPOSAL:**

In accordance with IRM 1(15)59.31, GRS 18, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

For National Office—Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Support Division. For regional offices and service centers and district offices, security officer. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Provided by individuals themselves.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.013

**SYSTEM NAME:**

Identification Media Files for Employees and Others Issued IRS ID—Treasury/IRS.

**SYSTEM LOCATION:**

National Office, Regional Offices, District Offices, Service Centers, IRS Data Center, National Computer Center. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS employees having one or more items of identification and federal and non-federal personnel working in or visiting IRS facilities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records contain individual's name, home address, and other personal information and reports on loss, theft, or destruction of pocket commissions, enforcement badges and other forms of identification.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 USC 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Correspondence file folders; 3 x 5 inch card files; and electronic storage.

**RETRIEVABILITY:**

Indexed separately by name and Identification Media serial number.

**SAFEGUARDS:**

Access to the records is restricted to official use of Internal Revenue. The files are stored in locked security containers in offices which are locked or guarded during non-work hours. Access controls will be not less than provided



for by the Physical and Document Security Handbook, IRM 1(16)41.

#### RETENTION AND DISPOSAL:

In accordance with IRM 1(15)59.31, GRS 11, Space and Maintenance Records.

#### SYSTEM MANAGER(S) AND ADDRESS:

Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Management Support Divisions; security officer, each region, service center and district; and Chief, Property, Security and Records Unit, National Office.

#### NOTIFICATION PROCEDURE:

Individual's name, SSN, address and type of ID media, plus the approximate date that he/she was issued and/or returned the particular item of identification, would have to be furnished to the Service office that issued the item for the Service to be able to ascertain whether or not the system contains a record about the individual. (See IRS Appendix A).

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C for each office whose records are to be accessed.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Information was furnished by each individual at the time they received the particular item of identification.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 34.014

#### SYSTEM NAME:

Motor Vehicle Registration and Entry Pass Files—Treasury/IRS.

#### SYSTEM LOCATION:

Service Centers. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals requiring continued access to the facility and parking area violators.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Name of employee, registered owner of vehicle, branch, telephone number, description of car, license number, employee's signature, name and

expiration date of insurance, parking violations, decal number.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

File folders and card file.

##### RETRIEVABILITY:

Indexed by name.

##### SAFEGUARDS:

Records are kept in a secured container in a secured office.

##### RETENTION AND DISPOSAL:

Records are kept until obsolete. Auth: IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Chief, Security Function, Service Centers. (See IRS Appendix A).

#### NOTIFICATION PROCEDURES:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Information is supplied by individual, except for parking violations

information which is supplied by Security guard personnel.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/IRS 34.016

#### SYSTEM NAME:

Security Clearance Files—Treasury/IRS.

#### SYSTEM LOCATION:

National Office, Regional Offices, District Offices, Service Centers. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Internal Revenue Service requiring a security clearance, having their security clearance cancelled or transferred and individuals who have violated IRS security regulations regarding classified national security information.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Records contain individual's name, employing office, date of security clearance, level of clearance, reason for the need for the national security clearance, and any changes in such clearance. Security violations records contain name of violator, circumstance of violation and supervisory action taken.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes. (4) To provide information to agencies and on a need-to-know basis to determine the current status of an individual's security clearance.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Correspondence file folders.



**RETRIEVABILITY:**

Indexed by name and cross filed by functional area.

**SAFEGUARDS:**

Stored in locked security container in offices which are locked or guarded during non-work hours. Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Physical Security Section, Facilities Standards Branch, Facilities and Information Management Support Division, National Office, for security violations, and Chief, Employment Branch, Personnel Division, National Office for security clearances.

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Information is provided by the employee, his/her supervisor or employee's personnel record. Security violation information is obtained from a variety of sources, such as guard reports, security inspections, supervisor's reports, Internal Audit Reports, etc.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 34.018

**SYSTEM NAME:**

Integrated Data Retrieval System (IDRS) Security Files—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers and District Offices (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual employees who input or are authorized to input IDRS transactions or who are subjects of IDRS inputs.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record logs of the employees who are authorized access to IDRS and of employee inputs and inquiries processed through IDRS terminals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosures are not made outside the Department.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on magnetic media, disk, flat paper, lists, and card files.

**RETRIEVABILITY:**

These records are indexed by employee's SSN or EIN.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

All records are disposed of in conformance with established Retention Schedules contained in IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Computer Security Section, Field Operations Branch, Systems Management and Operations Services Division, National Office.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center or District Office servicing the area in which the individual resides. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content,

may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Internal Revenue Service Center or District Office servicing the area in which the individual resides. (See IRS Appendix A).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Information supplied by the IRS employee on standard personnel forms and computer generated records of all inputs to IDRS. Data may also be retrieved from other published systems of records used in processing of this system.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 36.001

**SYSTEM NAME:**

Appeals, Grievances and Complaints Records—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices, POD's, Service Centers, The National Computer Center and the IRS Data Center (See Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for Federal employment, current and former Federal employees (including annuitants) who submit appeals, grievances, or complaints for resolution.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains information or documents relating to a decision or determination made by an agency or other appropriate action organization (e.g., Office of Personnel Management, Equal Employment Opportunity Commission, Merit Systems Protection Board) affecting an individual. The records consist of the initial appeal or complaint, letters or notices to the individual, record of hearings when conducted, materials placed into the record to support the decision or determination, affidavits or statements, testimonies of witnesses, investigative reports, instructions to an agency about action to be taken to comply with decisions, and related correspondence, opinions and recommendations.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, U.S.C., Sections 1302, 3301, 3302, 4308, 5115, 5338, 5351, 5388, 7105, 7151, 7154, 7301, 7512, 7701, 8347. Executive Orders 9838, 10577, 10987, 11222, 11478, 11491, and Pub. L. 92-261 (EEO Act of 1972), and Pub. L. 93-259.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used: (1) To provide information to a Member of Congress regarding the status of an appeal, complaint or grievance. (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To provide information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (5) To provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (6) To provide records and information to the Office of Personnel Management, Merit Systems Protection Board or Equal Employment Opportunity Commission for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (7) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide

information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (11) To the extent returns and return information are included, disclosure thereof may only be made pursuant to 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Card files, flat paper, lists, forms, folders, binder, microfilm and microfiche, punch card, and magnetic media.

**RETRIEVABILITY:**

Indexed by the names and case number of the individuals on whom they are maintained.

**SAFEGUARDS:**

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing EEOC regulations.

**RETENTION AND DISPOSAL:**

All records are disposed of in conformance with established Retention Schedules, IRM 1(15)59.31, General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

(a) EEO Discrimination Complaint Records—Regional Complaints Center Directors; (b) all other records—Director, Human Resources Division, or Chief, Personnel Branch, appropriate office. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner Human Resources, National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure

Litigation Division for records in the National Office of Chief Counsel. (See IRS Appendix A for Locations). Individuals should provide their name, date of birth, agency in which employed, and the approximate date, and the kind of action taken by the agency when making inquiries about records.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Individuals should provide their name, date of birth, POD, approximate date, and the kind of action taken by the agency when requesting access to, or contest of, records.

**CONTESTING RECORD PROCEDURES:**

See Access.

**RECORD SOURCE CATEGORIES:**

(a) Individual to whom the record pertains. (b) Agency and/or other authorized Federal officials. (c) Affidavits or statements from employee. (d) Testimony of witnesses. (e) Official documents relating to the appeal, grievance, or complaints. (f) Correspondence from specific organization or persons.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 36.002

**SYSTEM NAME:**

Employee Activity Records—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional, and District Offices, POD's, Service Centers, The National Computer Center, and The IRS Data Center (See Appendix A.).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees of the Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains records and information relating to voluntary employee activities and functions which are not directly related to the mission of the IRS or any of its functional components. These records will contain the names of participants and such other information only to the extent that it is necessary for the operation of the activity.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, U.S.C., Section 301.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. These records and information in these records may be used: (1) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (2) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (3) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Indexed by the name of the individuals on whom they are maintained.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing OPM regulations.

**RETENTION AND DISPOSAL:**

Disposition varies in accordance with the nature of the record, but is made in accordance with the Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Supervisor of the organizational segment participating in the activity.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in

accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the system manager or the individual designated to maintain the record. Inquiring individuals need only provide their name.

**CONTESTING RECORD PROCEDURES:**

See Access.

**RECORD SOURCE CATEGORIES:**

Information is derived only from the individual to whom the record pertains.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 36.003****SYSTEM NAME:**

General Personnel and Payroll Records—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center. Payroll records are maintained at the Data Center. (See Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Prospective, current and former employees of the IRS.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system consists of a variety of records relating to personnel actions and determinations made about an individual while employed in the Federal service. These records contain data on individuals required by the Office of Personnel Management (OPM) and maintained in the Official Personnel Folder (OPF). The OPF may also contain letters of commendation; awards from non-federal organizations; recommendations for Federal awards; awards; reprimands; adverse or disciplinary charges; records relating to life insurance, health insurance, designation of beneficiary; training; performance ratings; and other records which OPM and IRS require or permit to be maintained in the OPF. This system also includes records which are maintained in support of a personnel

action such as a position management or position classification action, a reduction-in-force action (including such documents as retention registers and notices), and priority placement actions. Other records maintained about an individual in this system are evaluation records, including appraisal, expectation and payout records; employee performance file (EPF) records; suggestion files; award files; financial and tax matters; back pay files; jury duty records; special emphasis programs records, such as Upward Mobility and Handicapped; outside employment statements; clearance upon separation; Unemployment Compensation records; adverse and disciplinary action files; supervisory files; records relating to personnel actions correcting a pay problem; employment of relatives; furlough/recall records; work measurement records; emergency notification, employee locator and current address records; other records relating to the status of an individual; Executive Resources records and Senior Executive Service records; Management Careers Program records; and correspondence files pertaining to any personnel information contained in this notice. Payroll records included in this system are data storage and file records system for processing payroll and personnel actions, consisting of records of time and attendance, leave, tax withholding, bond purchases and issuances, emergency salaries, overtime and holiday pay, optional payroll deductions, and minority group designator codes.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5, U.S.C. Section 301, 1302, 2951, 4118, 4308, 4506, and Executive Order 10561.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To provide information to a prospective employer of an IRS employee or former IRS employee. (2) To provide data to update Federal Automated Career Systems (FACS), Executive Inventory File, and security investigations index on new hires, adverse actions, and terminations. (3) To provide information to a Federal, state, or local agency, other organizations or individuals in order to obtain relevant and pertinent information about an individual which is necessary for the hiring or retention of an individual; letting of a contract; or the issuance of a license, grant or other



benefit. (4) To request information from a Federal, state, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent agencies. (5) To provide information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial process. (6) To provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violation of law to appropriate law enforcement agencies. (7) To provide information or records, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to any other appropriate agency, whether Federal, state, or local, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto or upon request of such agency when the agency is investigating the possible violation of their rules or regulations. (8) To provide records to the Office of Personnel Management, Merit Systems Protection Board, Equal Employment Opportunity Commission, and General Accounting Office for the purpose of properly administering Federal Personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and applicable regulations. (9) To provide information to hospitals and similar institutions or organizations involved in voluntary blood donation activities. (10) To provide information to educational institutions for recruitment and cooperative education purposes. (11) To provide information to a Federal, state, or local agency so that the agency may adjudicate an individual's eligibility for a benefit, such as a state unemployment compensation board, housing administration agency and Social Security Administration. (12) To provide information to financial institutions for payroll purposes. (13) To provide information to another agency such as the Department of Labor or Social Security Administration and state and local taxing authorities as required by law for payroll purposes. (14) To provide information to Federal agencies to effect inter-agency salary offset; to effect inter-agency administrative offset to the consumer reporting agency for obtaining commercial credit reports; and to a debt collecting agency for debt collection services. (15) To provide information to unions recognized as exclusive bargaining representatives under the

Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (16) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (17) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (18) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosure to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (19) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (20) Disclosure of information about particular Treasury employees may be made to requesting Federal agencies or non-Federal entities under approved computer matching efforts, limited to only those data elements considered relevant to making a determination of eligibility under particular benefit programs administered by those agencies or entities or by the Department of the Treasury or any constituent unit of the Department, to improve program integrity, and to collect debts and other monies owed under those programs.

#### DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are maintained on magnetic media, discs, forms, punched cards, flat paper, lists, card files, forms, folders, binders, microfilm and microfiche.

##### RETRIEVABILITY:

Records are indexed by any combination of name, birthdate, Social Security Number, or employer identification number.

##### SAFEGUARDS:

Access Controls will be not less than provided for by the Physical and

Document Security Handbook, IRM 1(16)41. This is also in conformance with existing OPM and GAO regulations.

#### RETENTION AND DISPOSAL:

All records are disposed of in conformance with established retention schedules, IRM 1(15) 59.31 General Records Schedule.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Human Resources Division, and Chief, Personnel Branch, appropriate office (see IRS Appendix A); Executive Secretary, Executive Resources Board (for executive resource records).

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for computer center employees only); Director, Data Center (for data center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Division, National Office; for each appropriate Division in the National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel; (See Appendix A). Inquiries should include name, date of birth, social security number and POD.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above. Former IRS employees who wish to gain access to their records should direct such a request in writing, including their name, date of birth, and Social Security Number, to: National Personnel Records Center, National Archives and Records Administration, 9700 Page Blvd., St. Louis, Missouri 63132.

#### CONTESTING RECORD PROCEDURES:

See Access.



**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the individual to whom it applies or is derived from information supplied by that individual, except information provided by agency officials. Payroll information is compiled from existing master records, i.e., employees' official personnel folders, or the employee. Information is also obtained directly from an employee, payroll coordinator, or administrative officer.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 36.005

**SYSTEM NAME:**

Medical Records—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Applicants and current IRS employees: National, Regional and District offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.). (2) Former IRS employees: National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132. Records may also be maintained in the National, Regional and District Offices, POD's, Service Centers, the National Computer Center and the Data Center (See Appendix A.).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Applicants for IRS employment. (2) Applicants rejected on medical grounds. (3) Applicants for disability retirement under the Civil Service Retirement Law. (4) IRS employees. (5) Former IRS employees. (6) Visitors of IRS Offices who require medical attention while on the premises.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Applications for IRS employment containing information relating to an individual's medical qualifications to hold a position in the IRS. (2) Applications rejected on medical grounds. Information relating to an applicant's rejection for a position because of medical reasons. (3) Disability retirement records. Information relating to an individual's capability (physical and mental) to satisfactorily perform the duties of the position he or she holds or held. (4) Health unit medical records (Federal civilian employees). (5) Information relating to an employee's participation in an occupational health services program. (6) Qualification examinations (Federal employees). Information relates to pre-employment, or periodic re-

qualification medical examinations to assure that the incumbents are qualified (physically and mentally) to satisfactorily perform the duties of the position. (7) Fitness-for-duty examinations. Information relating to a medical examination to determine an individual's physical or mental condition with respect to ability to satisfactorily perform the duties of the position held. (8) Alcohol/drug employee assistance records. Information relating to employee participation in the Federal Civilian Alcoholism and Drug Abuse Program. (9) Injury Compensation Records. Information relating to on-the-job injuries of employees and former employees. (10) Records relating to the Blood Donor Program.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Medical Information relating to the Retirement, Life Insurance and Health Benefits Programs—5 U.S.C. Chapters 81, 87 and 89. Information for Federal employment—5 U.S.C. 3301. Information relating to the Alcoholism, Drug Abuse and Employee Assistance Programs—Pub. L. 91-616 and 92-255 as amended by Pub. L. 93-282 in regard to confidentiality of patient records. Information relating to the Occupational Health Program (5 U.S.C. 7901).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Information may be provided to other Federal agencies responsible for other Federal benefits programs administered by the Office of Workmen's Compensation Programs; Retired Military Pay Centers; Veterans Administration; Social Security Administration; Office of Personnel Management; Private contractors engaged in providing benefits under Federal contracts. (2) Disclosure of information may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in requests for legal advice. (3) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. Disclosure may be made during judicial processes. (4) Disclosure may be made to other agencies to the extent provided by law or regulation. (5) Disclosure may be made to the appropriate Federal, state or local agency where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature. (6) Disclosure may be made to Federal, state, or local

agencies in order to obtain or release relevant and pertinent information to an agency decision concerning the hiring or retention of an individual, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit. (7) Disclosure may be made to the Public Health Service. (8) Disclosure may be made to an individual's private physician where medical considerations or the content of medical records indicate that such release is appropriate. (9) Disclosure may be made to an agency designated employee representative where such representative is required by the Office of Personnel Management. (10) Disclosure may be made to hospitals and similar institutions or organizations participating in blood donor activities. (11) Disclosure of Alcoholism, Drug Abuse, and Employee Assistance records are limited under Pub. L. 91-616, 92-255, and 93-282. (12) Disclosure may be made to the Equal Employment Opportunity Commission when needed to resolve a complaint. (13) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (14) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (o) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media, discs, flat paper, lists, forms, folders, card files, microfilm and microfiche.

**RETRIEVABILITY:**

Records are indexed by name, social security number, date of birth, and/or claim number.

**SAFEGUARDS:**

Access controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

All records are disposed of in conformance with established Retention



Schedules, IRM 1(15)59.31, General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Human Resources Division, or Chief, Personnel Branch, appropriate office; Director, Operations Division (Office of Chief Counsel), Regional and District Counsels. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to:

District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for Computer Center employees only); Director, Data Center (for Data Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Division, National Office; Assistant Commissioner (Human Resources), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel. (See IRS Appendix A). Former employees should direct inquiries to: The National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132. Individuals requesting information about this system of records should provide their full name, date of birth, social security number, name and address of office in which currently or formerly employed in the Federal service, and annuity account number, if any has been assigned.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

(1) The individual to whom the record pertains. (2) Private physicians. (3) Medical institutions. (4) Office of Workers' Compensation Programs. (5) Military Retired Pay Systems Records. (6) Federal civilian retirement systems other than Civil Service Retirement System. (7) General Accounting Office

pay, leave allowance cards. (8) OPM Retirement, Life Insurance and Health Benefits Records System. (9) OPM Personnel Management Records System.

**Treasury/IRS 36.008**

**SYSTEM NAME:**

Recruiting, Examining and Placement Records—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices, POD's, Service Centers, The National Computer Center and The Data Center (See Appendix A.).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants for IRS employment, current and former employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

These records contain information relating to education, training, employment history and earnings, tests, results of written tests, test scores, qualification determinations, evaluations, appraisals of potential, interview records, responses to test items and questionnaires, honors, and awards or fellowships. Other information maintained in the records includes military service, date of birth, birthplace, SSN, home address. Records may also be maintained on suitability determinations, employee participation in special emphasis, placement and recruiting programs, and employee turnover records. This system also includes correspondence files relating to the above mentioned records. Personnel research and test validation records are included in this system.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5 U.S.C., Sections 1302, 3109, 3301, 3302, 3304, 3306, 3307, 3309, 3313, 3317, 3318, 3319, 3326, 3349, 4103, 5532, 5533, 5723, and Executive Orders 10577 and 11103.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes. (2) To disclose information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) To disclose information and records to the Office of Personnel Management,

Merit Systems Protection Board, or the Equal Employment Opportunity Commission, for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (4) To refer applicants to officials of Federal Government agencies for purposes of consideration for placement in positions for which an applicant has applied and is qualified; to state and local governments with permission of an applicant for the purpose of employment consideration; and to refer current IRS employees to Federal agencies for consideration for transfer, reassignment, and promotion. (5) To educational institutions in connection with recruiting efforts. (6) To disclose information or records where there is an indication of a violation or potential violation of law, whether civil, criminal or regulatory in nature, to any other appropriate agency, whether federal, state, or local charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule. (8) to request information from a federal, state or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent information, such as licenses, if necessary to obtain relevant information to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. (9) To provide information to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the letting of a contract, or issuance of a license, grant, or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on that matter. (10) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (11) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (12) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (13) To provide information to a congressional office in response to an inquiry made at the



request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained on magnetic tapes, punched cards, discs, card files, lists, flat paper, microfilm, microfiche, forms and folders.

**RETRIEVABILITY:**

Records are indexed by name, combination of birth date, social security account number, and an identification number that is applicable.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is in conformance with existing OPM regulations.

**RETENTION AND DISPOSAL:**

All records are disposed of in conformance with established Retention Schedules, IRM 1(15) 59.31, General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Human Resources Division, or Chief, Personnel Branch, appropriate office. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for Computer Center employees only); Director, Data Center (for Data Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Personnel Division, National Office; Assistant Commissioner (Human Resources), National Office; or other appropriate official. (See Appendix A). Individuals should provide name, date of birth, social security number, identification number (if known), approximate date of record, and title of examination or announcement with which concerned.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1,

Subpart C, Appendix B. Inquiries should be addressed to the appropriate official as listed above. This system of records may not be accessed for purposes of inspection or for contest of content of Treasury Forms 4825 (Evaluation of Candidates for Initial Executive Placement) and Treasury Form 4245 (Report of Managerial Potential) prepared prior to September 27, 1975.

**CONTESTING RECORD PROCEDURES:**

See Access.

**RECORD SOURCE CATEGORIES:**

Information in this system of records either comes from the individual to whom it applies or is derived from information he or she supplied, except reports from medical personnel on physical qualification; results of examination which are made known to applicants and vouchers supplied by references the applicant lists.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 36.009

**SYSTEM NAME:**

Retirement, Life Insurance and Health Benefits Records System—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices, POD's, Service Centers, the National Computer Center, and the IRS Data Center, (See Appendix A.). For former employees: Records Division, Bureau of Retirement, Insurance and Occupational Health, Office of Personnel Management, Boyers, Pennsylvania.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) IRS employees who are covered by the Civil Service Retirement System (CSRS) or the Federal Employees Retirement System (FERS). (2) IRS employees who have either declined or are covered by the Federal Employees' Group Life Insurance Program or the Federal Employees Health Benefits Program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Documentation of Federal service creditable under CSRS/FERS. (2) Documentation of coverage or declination of coverage under the Federal Employees' Group Life Insurance Program, and the Federal Employees Health Benefits Program. (3) Documentation of claim for refund or for annuity benefits under CSRS/FERS. (4)

Documentation of claim for survivor annuity or death benefits under CSRS/FERS. (5) Medical records supporting claims for disability retirement under CSRS/FERS. (6) Designations of beneficiary for benefits payable under CSRS/FERS or the Federal Employees' Group Life Insurance Program. (7) All other information necessary to enable offices to recruit annuitants for short term assignments and to send them requested publications.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Chapters 83, 87, and 89 of Title 5, United States Code.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) These records and information in these records may be used: (1) To provide information to the Office of Workers' Compensation Programs, Veterans Administration Pension Benefits Program, Social Security Old Age, Survivor and Disability Insurance and Medicare Programs, and Federal civilian employee retirement systems other than the Civil Service Retirement System, when requested by that program or system or by the individual covered by this system of records, for use in determining an individual's claim for benefits under such system. (2) To provide information necessary to support a claim for life insurance benefits under the Federal Employees' Group Life Insurance Program to the Office of Federal Employees' Group Life Insurance, 4 East 24th Street, New York, N.Y. 10010. (3) To provide information necessary to support a claim for health insurance benefits under the Federal Employees Health Benefits Program to a health insurance carrier or plan participating in the program. (4) To provide information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation and in connection with requests for legal advice. Disclosure may be made during judicial processes. (5) To provide information to other agencies to the extent provided by law or regulation and as necessary to report apparent violations of law to appropriate law enforcement agencies. (6) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license,



contract, grant, or other benefit. (7) To provide information and records to the Office of Personnel Management for the purpose of properly administering Federal Personnel Systems in accordance with applicable laws, Executive Orders and regulations. (8) To provide information to an agency designated employee representative when such representative is required under Office of Personnel Management regulations. (9) To provide information to hospitals and similar institutions to verify an employee's coverage in the Federal Employees Health Benefits Program. (10) To provide information to the Equal Employment Opportunity Commission when needed to resolve a complaint. (11) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (12) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (13) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (14) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained on magnetic media, punched cards, discs, forms, flat paper, card files, lists, folders, microfilm and microfiche.

**RETRIEVABILITY:**

Records are indexed by name, social security number, birth date, and by annuity or death claim number.

**SAFEGUARDS:**

Access Controls will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41. This is also in conformance with existing OPM regulations.

**RETENTION AND DISPOSAL:**

All records are disposed of in conformance with established retention schedules, IRM 1(15)59.31, General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Human Resources Division, and Chief, Personnel Branch, appropriate office. Director, Operations Division (Office of Chief Counsel), Regional and District Counsels. (See IRS Appendix A for Locations.)

**NOTIFICATION PROCEDURE:**

(1) Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to: District Director for each District whose records are to be searched; Service Center Director for each Service Center whose records are to be searched; Director, National Computer Center (for Computer Center employees only); Director, Data Center (for Data Center employees only); Regional Commissioner for each Regional Office whose records are to be searched; Director, Human Resources Division, National Office; Assistant Commissioner (Human Resources), National Office; Regional Counsel for each region whose records are to be searched; Director, Disclosure Litigation Division for records in the National Office of Chief Counsel. (See IRS Appendix A) (2) If the individual is retired from Federal service he should direct inquiries to: Associate Director for Compensation, Office of Personnel Management, 1900 E Street, NW., Washington, DC 20415. (3) If the individual is not retired, but has been separated from Federal service, he should direct inquiries to: National Personnel Records Center, 9700 Page Blvd., St. Louis, Missouri 63132.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Inquiries should be addressed to the appropriate official listed above.

**CONTESTING RECORD PROCEDURES:**

See Access. Individuals requesting information in this system of records should provide their full name, date of birth, social security number, claim number, if assigned, and the POD in which currently or formerly employed.

**RECORD SOURCE CATEGORIES:**

The information in this system is obtained from the following sources: (1) The individual whom the information is about. (2) GAO Pay, Leave and Allowance Records System. (3) OPM

Personnel Management Records System. (4) NARA National Personnel Records Center. (5) OPM Medical Records System. (6) Federal civilian retirement systems other than Civil Service Retirement System Federal Employees Retirement System. (7) Military retired pay system records. (8) Office of Workers' Compensation Programs. (9) Veterans Administration Pension Benefits Programs. (10) Social Security, Old Age, Survivor and Disability Insurance and Medicare Programs.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 37.001

**SYSTEM NAME:**

Abandoned Enrollment Applications—Treasury/IRS.

**SYSTEM LOCATION:**

Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who applied for enrollment to practice before the Internal Revenue Service but subsequently abandoned their applications.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Application for enrollment to practice before the Internal Revenue Service and, in some cases, information regarding individuals' fitness for enrollment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or



issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Original application form and information relating to it.

**RETRIEVABILITY:**

Indexed by name of applicant.

**SAFEGUARDS:**

Those safeguards in effect at Federal Records Center.

**RETENTION AND DISPOSAL:**

Permanent retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1,

Subpart C, Appendix B. Address inquiries to the System Manager.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Applicant, (2) Individuals, (3) Internal Revenue Service, (4) Other government agencies, (5) Professional organizations.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 37.002**

**SYSTEM NAME:**

Files containing derogatory information about individuals whose applications for enrollment to practice before the IRS have been denied and Applicant Appeal Files—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals whose applications for enrollment to practice before the Internal Revenue Service have been denied, including those who have appealed such denial.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' applications and eligibility for enrollment to practice before the Internal Revenue Service.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to

the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.



**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 37.003

**SYSTEM NAME:**

Closed Files containing Derogatory Information about individuals' practice before the Internal Revenue Service and files of attorneys and certified public accountants formerly enrolled to practice—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue NW., Room 1413, Washington, DC 20224. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals eligible to practice before the Internal Revenue Service (attorneys, certified public accountants and enrolled agents).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' enrollments to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for

implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a

written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part I, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 37.004

**SYSTEM NAME:**

Derogatory Information (No Action)—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Attorneys, certified public accountants, enrolled agents and others.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Such files contain derogatory information concerning attorneys, certified public accountants, and enrolled agents and others over whom there is no current jurisdiction, where such information is subject to future development, or where such information is not sufficiently serious to be currently considered a case file.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Dispose after 5 years by burning.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of

records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by (1) individuals, (2) Internal Revenue Service (3) other government agencies, and (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 37.005**

**SYSTEM NAME:**

Present Suspensions and Disbarments Resulting From Administrative Proceeding—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224. (2) Washington National Record Center, National Archives and Record Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals formerly eligible to practice before the Internal Revenue Service but now either suspended or disbarred from such practice after being accorded due notice and opportunity for hearing.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' enrollment to practice before the Internal Revenue Service, derogatory and other information regarding such practice, and record of proceedings.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) Transfer of information regarding suspension or disbarment of attorneys, certified public accountants and enrolled agents to professional organizations. (2) To disclose pertinent information to appropriate Federal, State, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a state, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (7) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (8) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.



**RETENTION AND DISPOSAL:**

Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records or to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) individuals, (2) Internal Revenue Service, (3) other government agencies, (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 37.006

**SYSTEM NAME:**

General Correspondence File—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

General public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

General inquiries and comments from the general public.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

In file folder.

**RETRIEVABILITY:**

Correspondence is indexed alphabetically by writer.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Destroyed after 3 years.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to record maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to Systems Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system has been provided by the general public.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 37.007

**SYSTEM NAME:**

Inventory—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Attorneys, certified public accountants and enrolled agents about which alleged misconduct in their practice before the Internal Revenue Service is being reviewed and evaluated; (2) Appraisers who have been referred to the Director of Practice for review and evaluation of conduct which resulted in assessment of a penalty under 26 U.S.C. 6701(a); and (3) Applicants for enrollment to practice before the Internal Revenue Service whose applications are being reviewed and evaluated.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' enrollment or eligibility to practice



before the Internal Revenue Service, and information relating to their conduct in such practice; and information relating to appraisers and applicants for enrollment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors.

**RETENTION AND DISPOSAL:**

Dispose 25 years after case closed; transfer to Federal Record Center 5 years after case is closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, and (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 37.008**

**SYSTEM NAME:**

Register of Docketed Cases and Applicant Appeals—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1314, Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals against whom complaints have been filed with the Office of Director of Practice pursuant to Title 31, CFR, Subpart C, Section 10.54, for alleged violation of the regulations

governing practice before the Internal Revenue Service and individuals who have appealed to the Secretary of the Treasury, the denials of their application for enrollment to practice before the Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Record of actions taken in cases docketed for hearings and record of actions taken on appeals from denials of applications for enrollment.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

In loose-leaf binder.

**RETRIEVABILITY:**

Indexed by complaint number and by name of the individual.

**SAFEGUARDS:**

Locked doors. Access is limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Permanent retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in records in this system has been provided by: (1) This office, (2) administrative law judges, (3) Internal Revenue Service.

Treasury/IRS 37.009

**SYSTEM NAME:**

Enrolled agents and Resigned Enrolled Agents (action pursuant to 31 CFR Section 10.55(b))—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., 1413, Washington, DC 20224; (2) Washington National Records Center, National Archives and Records Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Those individuals who are currently enrolled to practice before the Internal Revenue Service and those who were formerly enrolled to practice before the Internal Revenue Service and who resigned from such enrollment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' applications for enrollment to practice before the Internal Revenue Service and derogatory and other information regarding such practice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Destroy 60 years after enrollment.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service; (3) other government agencies, and (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 37.010

**SYSTEM NAME:**

Roster of Former Enrollees—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania



Avenue, NW., Room 1413, Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Attorneys and certified public accountants who were enrolled to practice before the Internal Revenue Service prior to enactment of the Agency Practice Act, Title 5 U.S. Code, Section 500 and former enrolled agents who do not renew their enrollment.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system contains individuals' names, addresses, professions, the dates of their enrollments and the expiration dates of such enrollments.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S. Code 330.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR. 50.2 which relate to an agency's functions

relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In loose-leaf binders.

**RETRIEVABILITY:**

Indexed by profession (i.e., attorney or certified public accountant) and by the individual's name.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Permanent retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in records in this system has been provided by: (1) Individuals, (2) Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 37.011

**SYSTEM NAME:**

Present Suspensions from Practice before the Internal Revenue Service—Treasury/IRS.

**SYSTEM LOCATION:**

(1) Internal Revenue Service, Office of Director of Practice, 1200 Pennsylvania Avenue, NW., Room 1413, Washington, DC 20224. (2) Washington National Records Center, National Archives and Record Service, General Services Administration, Washington, DC 20409.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Attorneys, certified public accountants and enrolled agents who have offered their consent to voluntary suspension from practice before the Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to individuals' enrollment or eligibility to practice before the Internal Revenue Service, derogatory and other information relating to their conduct in such practice.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 1026.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (3) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (4) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the



investigation. (6) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (7) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

In file folders.

**RETRIEVABILITY:**

Indexed by name of individual.

**SAFEGUARDS:**

Locked doors. Access limited to authorized personnel.

**RETENTION AND DISPOSAL:**

Dispose 25 years after case closed; transfer to Federal Records Center 5 years after case closed except for a random selection of a small number of disciplinary cases to be made at 5-year intervals for retention.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Practice, HR:DP, Internal Revenue Service, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals wishing to be notified if they are named in this system of records, or gain access to records maintained in this system must submit a written request containing the following elements: (1) Identify the record system; (2) Identify the category and type of records sought; (3) Provide at least two items of secondary identification (date of birth, employee identification number, dates of employment or similar information). Address inquiries to System Manager above.

**RECORD ACCESS PROCEDURES:**

See Notification Procedures.

**CONTESTING RECORD PROCEDURES:**

Individuals seeking access to any record contained in the system of records to contest its contents, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Address inquiries to the System Manager.

**RECORD SOURCE CATEGORIES:**

Information contained in this system may have been provided by: (1) Individuals, (2) Internal Revenue Service, (3) other government agencies, (4) professional organizations.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 38.001**

**SYSTEM NAME:**

General Training Records—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional and District Offices, Service Centers, National Computer Center, Data Center and posts of duty. (See Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS employees who have participated in or who may be scheduled for training activities (students, instructors, program managers, etc.). Other Federal or non-Government individuals who have participated in or assisted with training programs (students, instructors, course developers, interpreters, etc.).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Variety of records containing information about an individual related to training, such as: Course rosters, student registrations, nomination forms, course evaluations, instructor lists, individual development plans, counseling records, examination materials, payment records, and other recordings of training necessary for reporting and evaluative purposes. Some records within this system may also be contained in TR/IRS 36.003, General Personnel Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Chapter 41, Title 5 U.S.C.; EO 11348; and FPM 410.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system may be made available to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (3) Disclosure may be made during judicial processes. (4) Information in these records may be used to provide input data for the automated Training CPDF at the Office of Personnel Management.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records may be maintained on magnetic media computer tapes, index cards, forms, or flat paper.

**RETRIEVABILITY:**

Computer records are indexed by social security account numbers, course titles, dates of training, location of training and by specific employee information (i.e., name, title, grade, etc.); other records are indexed by name and course title.

**SAFEGUARDS:**

Individual computer records are available to those persons at OPM, Treasury or IRS who are directly involved with the training function.

**RETENTION AND DISPOSAL:**

All records are disposed of in accordance with established retention schedules, IRM 1(15)59.31, General Records Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Office of Training Program Management, Chief, Training and Development Branch, and Office of the Assistant Commissioner (International), at the National Office; Chiefs, Training and Development Branches, and Chiefs, Human Resources Branches, at Regional and District Offices and Service Centers; training managers at Computer Center and Data Center. (See Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched. (See Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each Office whose records are to be accessed or contested. (See Appendix A.)

**CONTESTING RECORD PROCEDURES:**

See Access.



**RECORD SOURCE CATEGORIES:**

Information is extracted from participant registration forms, individual development plans, skill surveys personnel records, and such other forms as may be developed and prescribed by OPM, Treasury, and IRS Training Personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 42.001**

**SYSTEM NAME:**

Examination Administrative File—Treasury/IRS.

**SYSTEM LOCATION:**

Jurisdictional District Office where the individual resides, or Service Center where return was examined, or Assistant Commissioner (Examination) and Assistant Commissioner (International), National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any taxpayer who is being considered for examination or is being or has been examined for tax determination purposes; i.e., income, estate and gift, excise, or employment tax liability.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records containing investigatory materials required in making a tax determination or other verification in the administration of tax laws and all other related sub-files directly related to the processing of the tax case. This system also includes other management material related to a case and used for tax administrative purposes, including the appeals process and systems formerly published as 42.018, 42.023 and 42.025.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USES AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents, machine-sensible data media, microfilm.

**RETRIEVABILITY:**

By taxpayer's name and Social Security number and employer identification number and document locator number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1 (16)41.

**RETENTION AND DISPOSAL:**

Destroyed in accordance with the established retention schedule in IRM 1(15)59.22, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International); Officials maintaining the system—Director of Jurisdictional District Office, or Service Center, or Assistant Commissioner (Examination) and Assistant Commissioner (International). (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system is exempt from the notification provisions of the Privacy Act.

**RECORD ACCESS PROCEDURES:**

This system is exempt from the access and contest provisions of the Privacy Act.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

(1) Taxpayer's returns. (2) taxpayer's books and records. (3) Informants and third party information. (4) city, state governments. (5) other federal agencies. (6) examinations of related taxpayers. (7) examinations of other taxpayers. (8) taxpayer's representative.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 42.008**

**SYSTEM NAME:**

Audit Information Management System (AIMS)—Treasury/IRS.

**SYSTEM LOCATION:**

This system is composed of: (1) Computer files located at each jurisdictional IRS Service Center (where tax return is under examination control). Each jurisdictional district (served by an

IRS Service Center) has access to the computer file via video terminals; (2) Group control card forms 5345 and 5354 (including temporary and interim processing files for management and control purposes), located at each jurisdictional district office. Items described under (2), above, are subfiles of the AIMS System.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers whose tax returns are under the jurisdiction of the Examination Division. Examiners assigned to taxpayer cases.

**CATEGORIES OF RECORDS IN THE SYSTEM**

Tax return information from the Master File, Tax return status and location changes, Examination Closing information on examined and non-examined tax returns, examiner's name including related internal management information and a code identifying taxpayers that threatened or assaulted IRS employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Computer; Microfiche; Paper.

**RETRIEVABILITY:**

Social Security number, taxpayer's name, examiner's name.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Computer Record: Examined closings, surveyed claims, and some types of non-examined closings are dropped from the data base 60 days after closing or when assessment verification is completed, whichever is later. The balance of non-examined closings are dropped at the end of the month following the month of closing. Paper Records: Generally, AIMS forms are destroyed within 90 days of the closing. Exceptions include: (1) The charge-out which becomes part of the case file and is sent to the Federal



Records Center with the case; (2) Examination request forms which become the Examination group's control card; and (3) The Examination group's control card which is retained in a closed case file for 3 years (in the case of field examinations) and 90 days (in the case of office examinations). Auth: Records Disposition Handbook, IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination), National Office. Officials maintaining the system—Each jurisdictional (taxpayer's place of residence) District Director; Each jurisdictional (the Service Center where taxpayer's tax return was filed) IRS Service Center. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

#### RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Tax Returns; Examination files.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.012

#### SYSTEM NAME:

Combined Case Control Files—Treasury/IRS.

#### SYSTEM LOCATION:

Jurisdictional District offices (not necessarily carried out in every district). (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers that may be abusing the tax laws through the use of tax shelters, investors in flow-through entities and taxpayers with suspended issues on their returns.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Tax information relating to the tax shelter for use in determining abuses of tax laws.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper documents, machine-sensible data media and microfilm.

##### RETRIEVABILITY:

Taxpayer identification number.

##### SAFEGUARDS:

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Retained until individual projects are completed. Auth: IRM 1(5)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

This system is exempt from the notification provisions of the Privacy Act.

#### RECORD ACCESS PROCEDURES:

This system is exempt from the access and contest provisions of the Privacy Act.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

(1) Individual's tax return. (2) Related taxpayers.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.013

#### SYSTEM NAME:

Project Files for the Uniform Application of laws as a result of technical determinations and court decisions—Treasury/IRS.

#### SYSTEM LOCATION:

Jurisdictional district office where taxpayer resides. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals grouped as to project; i.e., individual shareholders of a corporation where a determination having a tax effect has been made.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Listing of individuals and their income tax information.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper documents and magnetic media.

##### RETRIEVABILITY:

By taxpayer's name and social security number.

##### SAFEGUARDS:

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Destroyed in accordance with the established Retention Schedule 1(15)59.12, Records Retention Schedule.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Director of jurisdictional District. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of



records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

(1) Shareholder records. (2) Individual's tax return. (3) Examination of related taxpayer.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 42.014

**SYSTEM NAME:**

Internal Revenue Service employees' returns Control Files—Treasury/IRS.

**SYSTEM LOCATION:**

District Office of district where individual resides. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual who is employed by the Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Alphabetic listing of employee, income tax return information including prior examination results and other tax related information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents, machine-sensible data media, microfilm.

**RETRIEVABILITY:**

Employee's name and social security number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Updated periodically and retained as long as individual is employed. Auth: 1RM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) Officials maintaining the system—Director of District where individual resides. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be accessed or contested.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Employee's tax return.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 42.016

**SYSTEM NAME:**

Classification/Centralized Files and Scheduling Files—Treasury/IRS

**SYSTEM LOCATION:**

Jurisdictional service center or related district office where individual resides. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals whose returns or claims are classified for examination.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Individuals' tax returns/claims and other information considered in screening/classifying of an individual's return or claim for refund.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents, computer printouts, magnetic media.

**RETRIEVABILITY:**

By taxpayer's name and social security number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Returns/claims accepted as filed are returned to System of Records 22.034. Returns/claims selected for examination become part of System of Records 42.001. Other information is retained until associated with returns/claims or two years, whichever occurs first. Authority: Records Disposition Handbook IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

This system is exempt from the notification provisions of the Privacy Act.

**RECORD ACCESS PROCEDURES:**

This system is exempt from the access and contest provisions of the Privacy Act.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

(1) Tax returns, (2) Requests from taxpayer, (3) Requests from Collection Division for prompt examination.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.



**Treasury/IRS 42.017****SYSTEM NAME:**

International Enforcement Program  
Files—Treasury/IRS.

**SYSTEM LOCATION:**

Jurisdictional District Office of district where individual resides; National Office: Assistant Commissioner (Examination) and (International), Washington, DC. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Any individual having foreign business activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Listing of individuals, summary of income expenses, financial information as to foreign operations, acquisition of foreign stock, controlling interest of a foreign corporation, organization or reorganization of foreign corporation examination results, etc.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents, microfilm, machine sensible magnetic media.

**RETRIEVABILITY:**

Individual's name and social security number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Updated periodically and retained as long as individual has substantial foreign business activities. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Director of jurisdictional District; Assistant Commissioner (Examination) and Assistant Commissioner (International). (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system is exempt from the notification provisions of the Privacy Act.

**RECORD ACCESS PROCEDURES:**

This system is exempt from the access and contest provisions of the Privacy Act.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

(1) European treaty countries, (2) Individual's tax returns, (3) Examination of related taxpayers, (4) Public sources of information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 42.021****SYSTEM NAME:**

Compliance Programs and Projects  
Files—Treasury/IRS.

**SYSTEM LOCATION:**

Initiated and maintained in National Office, Regional Offices, or jurisdictional District or service center. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers that may be involved in tax evasion schemes, including withholding noncompliance or other areas of noncompliance grouped by industry, occupation, or financial transactions, and other; e.g., return preparers, political contributions, corporate kickbacks, questionable Forms W-4.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records pertaining to individuals in projects and programs.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6303.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, machine-sensible data media, microfilm, and magnetic media.

**RETRIEVABILITY:**

By taxpayer's name and social security number or Document Locator Number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

W-4 paper case files and National Computer Center (NCC) magnetic tape records are destroyed two years after the cases have been inactive. Records associated with the examination of returns are disposed of in accordance with the established Retention Schedule 1(15)59.22, Records Control Schedule. Records not associated with the examination of returns will be destroyed at the completion of the program or project, or in accordance with IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination). Officials maintaining the system—Director of jurisdictional District or service center. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

(1) Taxpayer's return, (2) taxpayer's books and records, (3) informants and third party information, (4) city, state government (5) other federal agencies, (6) examinations of related taxpayers, and (7) taxpayer's employer.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 42.027****SYSTEM NAME:**

Data on Foreign Corporations—  
Treasury/IRS.



**SYSTEM LOCATION:**

IRS Data Center, Detroit, Michigan; Assistant Commissioners, (Examination) and (International), Washington, D.C.; District Offices; Regional Offices, Philadelphia Service Center. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals required to file Form 5471, Information Return with respect to a Foreign Corporation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names of individuals filing on foreign holdings.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape in Data Center and Philadelphia Service Center; Paper at other listed locations, machine-sensible data media and microfilm.

**RETRIEVABILITY:**

By individual name.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Three years or earlier. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International), National Office. Officials maintaining the system—District Directors; Regional Commissioners; Assistant Commissioner (Examination) and Assistant Commissioner (International), National Office; Director, Data Center, Detroit, Michigan; Director, Returns Processing & Accounting Division, National Office. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the System of Records contains a record pertaining to themselves may inquire in

accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the district director for each district whose records are to be searched, or to the directors, or Assistant Commissioner (International) in the case of records in the National Office. (See Appendix A for addresses.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the System of Records may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the district director for each district whose records are to be accessed or contested, or to the directors, or Assistant Commissioner (International) in the case of records in the National Office. (See Appendix A for addresses.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of records.

**RECORD SOURCE CATEGORIES:**

Form 5471 only.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 42.029

**SYSTEM NAME:**

Audit Underreporter Case File, OP:EX—Treasury/IRS.

**SYSTEM LOCATION:**

National Computer Center (NCC), Martinsburg, West Virginia. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Recipients of income who appear not to have declared on their income tax returns (Forms 1040, 1040A, and 1040EZ) all income paid to them in the tax year under study.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records maintained are taxpayer (i.e., payee) entity records containing payee name, address, taxpayer identification number, and other indicators relating to entity maintenance; and income records containing the types and amounts of income received/reported, and information identifying the income payer.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, and 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

On magnetic media.

**RETRIEVABILITY:**

By matching on SSN and name control.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(126)41.

**RETENTION AND DISPOSAL:**

Retained for one year, then data are magnetically erased. Auth: IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) OP:EX, National Office. Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purpose of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Information returns filed by payers and Forms 1040, 1040A, and 1040EZ.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 42.030

**SYSTEM NAME:**

Discriminant Function File (DIF), OP:EX—Treasury/IRS.

**SYSTEM LOCATION:**

Internal Revenue Service Centers. (See IRS Appendix A.)



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals whose income tax returns have a DIF Score higher than a cutoff score determined by Examination and International, indicating high audit potential, based on formulae prescribed by Examination.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Document Locator Number of the return, the Regional and District Offices of the taxpayer, the taxpayer's DIF Score and data from the individual's Income Tax Return needed to conduct an audit of his/her return.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

By magnetic tape and computer printout.

**RETRIEVABILITY:**

By individual's Social Security Number.

**SAFEGUARDS:**

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Retained for three years. Disposed of thereafter. Authority: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner (Examination) and Assistant Commissioner (International). Officials maintaining the system—Directors, Internal Revenue Service Centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purpose of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This System of records may not be accessed for the purpose of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Individual's tax return information.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 44.001****SYSTEM NAME:**

Appeals Case Files—Treasury/IRS.

**SYSTEM LOCATION:**

Director, Appeals Division, National Office; Regional Directors of Appeals. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Tax returns, Revenue Agents' Reports, case correspondence, legal opinions and Appeals closing actions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper, and magnetic media.

**RETRIEVABILITY:**

Name of taxpayer.

**SAFEGUARDS:**

Locked file cabinets, locked doors, IRS employees access data only on a need to know basis.

**RETENTION AND DISPOSAL:**

Retention as prescribed in Records Disposition Handbook, IRM 1(15)59. Disposal by shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Appeals Division, National Office, 1111 Constitution Avenue, NW., Washington, DC 20224; Regional Directors of Appeals. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if

the system contains a record pertaining to the individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 44.003****SYSTEM NAME:**

Appeals Case Data—Treasury/IRS.

**SYSTEM LOCATION:**

Director, Appeals Division, National Office; Regional Directors of Appeals. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Provides case control data and management information, utilizing data from system 42.008 and data developed in the appeal process.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper, magnetic media, interactive terminal, diskette, hard disk.

**RETRIEVABILITY:**

By taxpayer's name and social security number, employer identification number and by work unit number.

**SAFEGUARDS:**

IRS personnel on need to know basis and passwords to access system information.



**RETENTION AND DISPOSAL:**

Retention is prescribed in Records Disposition Handbook. Authority: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Appeals Division, National Office, 1111 Constitution Avenue, NW., Washington, DC 20224; Regional Directors of Appeals. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be searched.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager for each office whose records are to be accessed.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Record clerks and Appeals Officers.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 44.004

**SYSTEM NAME:**

Artist File—Treasury/IRS.

**SYSTEM LOCATION:**

Director, Appeals Division, National Office; Regional Directors of Appeals. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Famous or noted artists whose works have been evaluated.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Commissioner's Art Panel decisions on values of works of art by named artists and appraisal documentation.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805(a).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (3) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (4) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (5) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (6) To disclose information to foreign governments in accordance with formal or informal international agreements. (7) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (8) To provide information to the news media in accordance with guidelines contained in 28 CFR. 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (9) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (10) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, magnetic media.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

System has been retained since 1968. Authority: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Appeals Division, National Office, 1111 Constitution Avenue, NW., Washington, DC 20224; Regional Directors of Appeals. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Appeals Division, National Office.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Appeals Division, National Office.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Appraisal documentation and Art Panel decisions.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 44.005

**SYSTEM NAME:**

Expert Witness and Fee Appraiser Files—Treasury/IRS.

**SYSTEM LOCATION:**

Director, Appeals Division, National Office; Regional Directors of Appeals (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Potential expert witnesses for litigation and fee appraisers for art valuation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Biographical sketches, application letters, or list of names by specialty.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805(a).

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (2) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (3) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (4) To disclose information to a Federal, state, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (5) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (6) To disclose information to foreign governments in accordance with formal or informal international agreements. (7) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (8) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (9) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (10) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as needed. Authority: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Appeals Division, National Office, 1111 Constitution Avenue, NW., Washington, DC 20224; Regional Directors of Appeals. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Appeals Division, National Office.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records, or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Appeals Division, National Office.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Varied, generally from the named individual, often unsolicited.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 46.002

**SYSTEM NAME:**

Case Management and Time Reporting System, Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

National, Regional, and District Offices, Data Center, service centers (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Subjects and potential subjects of Criminal Investigation Division Investigations, Special Agents, U.S. District Court Judges and U.S. Attorneys.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal and financial information developed in criminal tax investigations, potential tax investigations and in projects including information from other Federal, state and local agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in binders; Magnetic media; Computer discs; Computer printouts.

**RETRIEVABILITY:**

Taxpayer's Name, Case Number, and social security number.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—Regional Commissioners; District Directors; Assistant Commissioner, Criminal Investigation; Director, Data Center, Directors, service centers. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.



**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.003

**SYSTEM NAME:**

Confidential Informants, Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices, Assistant Commissioner (Criminal Investigation), National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Confidential Informants; Subjects of Confidential Informant's Reports.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Memorandums, Index Cards, Related Data.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper and magnetic media.

**RETRIEVABILITY:**

Confidential informants name and number or name in informants report.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office.

Officials maintaining the system—District Directors. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.004

**SYSTEM NAME:**

Controlled Accounts—Open and Closed—Treasury/IRS.

**SYSTEM LOCATION:**

Service Centers, National Computer Center, District Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Subjects and potential subjects of criminal tax investigation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Criminal Investigation Information and Control Notices; Lists of names and related data; Lists of action taken; Transcripts of account.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic media and paper.

**RETRIEVABILITY:**

By name or Social Security Number.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Paper destroyed after 1 year. Magnetic tape erased after 3 months. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—District Directors, Service Center Directors, National Computer Center Director. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for each District whose records are to be searched. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

District Office Personnel; Service Center Personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 46.005

**SYSTEM NAME:**

Electronic Surveillance File, Criminal Investigation—Treasury/IRS.

**SYSTEM LOCATION:**

National Office (see IRS Appendix A).



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Subjects of electronic surveillance. Individuals who have been subjects of queries by other agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information relating to conduct of electronic surveillance.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper and magnetic media.

**RETRIEVABILITY:**

Names, addresses, and telephone numbers.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Permanent retention and no disposal authorization. Authority: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—Director, Office of Investigations. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.009

**SYSTEM NAME:**

Centralized Evaluation and Processing of Information Items (CEPIIs), Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices and Service Centers. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers about whom the Internal Revenue Service has received information alleging a violation of laws within IRS jurisdiction, potential subjects of investigation.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of income tax returns, special agent's reports, revenue agent's reports, reports from police and other investigative agencies, memoranda of interview, question-and-answer statements, affidavits, collateral requests and replies, information items, newspaper and magazine articles and other published data, financial information from public records, case initiating documents and other similar and related documents.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape, paper, and microfilm.

**RETRIEVABILITY:**

Name.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Paper shredded after use. Microfilm—destroyed after 5 years. Magnetic tape—erased after 3 years. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—Service Center Directors, District Directors. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.011

**SYSTEM NAME:**

Land Trust Files, Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices (Chicago and Springfield), Service Center (Kansas City). (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Beneficiaries of Land Trusts, Related individuals.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Notices of Fiduciary Relationships. Related correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602, 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper, microfilm, magnetic tape.

**RETRIEVABILITY:**

Name.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—District Directors of Chicago and Springfield, Service Center Director, Kansas City. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched, the Service Center Director, and to Assistant Commissioner, Criminal Investigation, National Office. (See IRS Appendix A).

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to District Director for each District whose records are to be searched, the Service Center Director, and Assistant Commissioner, Criminal Investigation, National Office. (See IRS Appendix A).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Financial institutions, Fiduciary reports, Notices of Fiduciary Relationships.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 46.015**

**SYSTEM NAME:**

Relocated Witnesses, Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

National Office. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Relocated Witnesses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Documentation & Relocation Information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Indefinite retention. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices, Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system, Assistant Commissioner, Criminal Investigation, National Office. (See IRS Appendix A).

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 46.016**

**SYSTEM NAME:**

Secret Service Details, Criminal Investigation Division—Treasury/IRS.

**SYSTEM LOCATION:**

District Offices, Service Centers, Regional Offices, National Office. (See IRS Appendix A).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Special Agents.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

List of Criminal Investigation participants and correspondence between Criminal Investigation and Secret Service.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper.

**RETRIEVABILITY:**

Name.

**SAFEGUARDS:**

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Not established.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Assistant Commissioner.



Criminal Investigation, National Office. Officials maintaining the system—District Directors, Service Center Directors, Regional Commissioners, Assistant Commissioner, Criminal Investigation. (See IRS Appendix A).

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 46.022

#### SYSTEM NAME:

Treasury Enforcement Communications System (TECS), Criminal Investigation Division—Treasury/IRS.

#### SYSTEM LOCATION:

National Office.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Fugitives, subjects of open and closed criminal investigations, subjects of potential criminal investigations, subjects with Taxpayer Delinquent Accounts against whom Federal Tax Liens have been filed and other subjects of potential interest to criminal investigation such as witnesses and associates of subjects of criminal investigations or related to a matter under Criminal Investigation jurisdiction.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Date of Birth, Social Security Number, Address, Identifying details, aliases, associates, physical descriptions, various identification numbers, details and circumstances surrounding the actual or suspected violator.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602; 26 U.S.C. 7801, 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Disc.

##### RETRIEVABILITY:

By name, social security number or other unique identifier.

##### SAFEGUARDS:

Controls will be not less than provided for by the Access Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Fugitives until apprehended. Other records are deleted when no longer of potential use for criminal investigation case or informational purposes. Cancellation after 10 years. Auth: IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Official prescribing policies and practices—Assistant Commissioner, Criminal Investigation, National Office. Officials maintaining the system—Assistant Commissioner, Criminal Investigation, National Office.

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.001

#### SYSTEM NAME:

Disclosure Records—Treasury/IRS.

#### SYSTEM LOCATION:

National Office, National Computer Center, Data Center, Regional Offices, Service Centers and District Offices. (See IRS Appendix A).

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Subjects of requests for disclosure initiated by the Department of Justice, including suspects or persons related to the violation of Federal laws; persons who have initiated legal actions against the Federal Government, persons identified as strike force targets or related to organized crime activities, persons under investigation for national security reasons, persons believed by the Internal Revenue Service to be related to violations of Federal laws other than the Internal Revenue Code. (2) Persons under investigation by other executive departments or congressional committees for whom tax information has been requested pursuant to 26 U.S.C. 6103. (3) Persons who are parties to criminal or civil non-tax litigation in which the testimony of IRS employees has been requested. (4) Persons who have applied for Federal employment or presidential appointments for which preemployment tax checks have been requested and applicants for Department of Commerce "E" Awards. (5) Requesters for access to records pursuant to 26 U.S.C. 6103, the Freedom of Information Act, 5 U.S.C. 552, and initiators of requests for access, amendment or other action pursuant to the Privacy Act of 1974, 5 U.S.C. 552a. (6) Individuals identified by or initiating correspondence or inquiries processed or controlled by the Disclosure function or relating to the foregoing subjects.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Requests for records, information or testimony, responses to such requests, supporting documentation, processing records, copies of items provided or withheld, control records and related files, Department of Justice, and IRS replies to such requests. Copies of related authorizations to IRS officials permitting such disclosures and, in some instances, their responses. Copies of individuals' tax information, memoranda for file, notations of telephone calls, file search requests, etc.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801 and 7802, 26 U.S.C. 6103, 5 U.S.C. 301, 552 and 552a.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Routine disclosure of information contained in this system of records may be made to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) Disclosure may be made during judicial processes, and as necessary to report apparent violations of law to appropriate law enforcement agencies. (3) Disclosure of debtor information may be made to a Federal payor agency for purposes of salary and administrative offsets, to a consumer reporting agency to obtain commercial credit reports, and to a debt collection agency for debt collection services. (4) Disclosure may be made to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (5) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (6) Disclosure to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)) or the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records in alphabetical or chronological order within subject categories and/or such automated or electronic record-keeping equipment as may be locally available. No centralized index exists. Accountings of disclosure of tax related records pursuant to 5 U.S.C. 552a(c) or 26 U.S.C. 6103(p)(3) are posted to the Individual Master File and retrievable by Social Security Number, or to the Business Master File and retrievable by Employer Identification Number.

**RETRIEVABILITY:**

Records are generally retrievable by name of individual, although category of record and chronological period may be

necessary to retrieve some records. The Social Security number is necessary to access accountings of disclosure posted to the Individual Master File. The Employer Identification Number is necessary for access to the Business Master File.

**SAFEGUARDS:**

Safeguards will be not less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

In accordance with IRM 1(15)59, Records Disposition Handbook.

**SYSTEM MANAGER(S) AND ADDRESS:**

Official prescribing policies and practices—Director, Office of Disclosure. Officials maintaining the system—Director, Office of Disclosure, National Office; Regional Commissioners, District Directors, Service Center Directors, or other official receiving or servicing requests for records. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Requesters seeking to determine if accountable disclosures about them have been made should request an accounting of disclosure pursuant to 5 U.S.C. 552a(c) and 26 U.S.C. 6103(p)(3) of the District Director for the area in which they reside. Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the District Director for the area of residence or to the official believed to be maintaining the record of interest (See Appendix A). This system contains some records of law enforcement activities which may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Requests for disclosure, records being evaluated and processed for disclosure and related information from other systems of records. This system may contain investigatory material compiled for law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 48.008

**SYSTEM NAME:**

Defunct Special Service Staff File being retained because of Congressional directive—Treasury/IRS.

**SYSTEM LOCATION:**

National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals suspected of violating the Internal Revenue laws.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Internal Revenue Service Master File printouts; returns and field reports; information from other law enforcement government investigative agencies; Congressional Reports, and news media articles.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

U.S.C. 301, 26 U.S.C. 7801 and 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

This file is no longer being used by the Internal Revenue Service. The Special Service Staff was abolished August 13, 1973. (1) Disclosure of information contained in this System of Records may be made to the Department of Justice in connection with actual or potential litigation. (2) Access to the system is limited to Congressional Committees and individuals making Freedom of Information requests pertaining to themselves. (3) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records maintained alphabetically by individual and organization contained in vault at IRS National Office.

**RETRIEVABILITY:**

Alphabetically by name.

**SAFEGUARDS:**

Access controls are in conformance with provisions of the Physical and Document Security Handbook, IRM 1(16)41. No IRS official has access to these records except for retrieval



purposes in connection with Congressional or Freedom of Information inquiries and litigation cases.

#### RETENTION AND DISPOSAL:

Initially retained solely for congressional committees' inquiries, these records are currently being retained because of their possible historical significance under Archival statutes. Consideration of their historical significance is in abeyance pending resolution of the Archivist right to access tax information under the Internal Revenue code. Authority: IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Disclosure, National Office. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may address inquiries to the Director, Office of Disclosure, National Office. (See IRS Appendix A for location.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any System of Records may inquire in accordance with the instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director, Office of Disclosure, National Office. (See IRS Appendix A for location.) In addition, this System may contain some records provided by other agencies which are exempt from the access and contest provisions of the Privacy Act as published in the Notices of the Systems of Records for those agencies.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

News media articles, taxpayers' returns and records, informant and third party information, other Federal agencies and examinations of related or other taxpayers.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Information from another agency's exempt system of records duplicated in this system of records retains the exempt status.

#### Treasury/IRS 49.001

##### SYSTEM NAME:

Collateral and Information Requests Treasury/IRS.

##### SYSTEM LOCATION:

The central files for this system are maintained at the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Riyadh, Saudi Arabia; (5) Nassau, Bahamas; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Assistant Commissioner (International).

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Citizens, Resident Aliens, Nonresident Aliens.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Records of interviewing witnesses regarding financial transactions of taxpayers; employment data; bank and brokerage house records; probate records; property valuations; public documents; payments of foreign taxes; inventories of assets; business books and records. These records relate to tax investigations conducted by the Internal Revenue Service where some aspects on an investigation must be pursued in foreign countries pursuant to the various tax treaties between the United States and foreign governments. The records also include individual case files of taxpayers on whom information (as is pertinent to carrying out the provisions of the convention or preventing fraud or fiscal evasion in relation to the taxes which are the subject of this convention) is exchanged with foreign tax officials of treaty countries.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 26 U.S.C. 7801, 26 U.S.C. 7802.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records.

##### RETRIEVABILITY:

By taxpayer name.

##### SAFEGUARDS:

Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Dispose after 3 years. Auth: IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20024.

##### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

##### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of records.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

Records of examinations of taxpayers, interviews of witnesses, etc. where some aspects of an investigation must be pursued in foreign countries pursuant to various tax treaties between the United States and foreign governments.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

#### Treasury/IRS 49.002

##### SYSTEM NAME:

Competent Authority and Index Card—Microfilm Retrieval System—Treasury/IRS.

##### SYSTEM LOCATION:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

U.S. citizens, resident aliens, nonresident aliens whose tax matters come under the jurisdiction of the U.S.



competent authority in accordance with pertinent provisions of tax treaties with foreign countries.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Individual case files of taxpayers who request relief from double taxation or any other assistance that is pertinent to carrying out the provisions of income tax treaties.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 26 U.S.C. 7801, 26 U.S.C. 7802, and applicable treaties.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper and microfilm records.

##### RETRIEVABILITY:

By taxpayer name.

##### SAFEGUARDS:

Access controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

May be disposed of after 10 years. Auth: IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

##### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

##### RECORD ACCESS PROCEDURES:

This system of records may not be accessed for purposes of inspection or for contest of content of the records.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

Requests for relief from double taxation.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

#### Treasury/IRS 49.003

##### SYSTEM NAME:

Financial Statements File—Treasury/IRS.

##### SYSTEM LOCATION:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Taxpayers who submitted financial statements when interviewed overseas by Examination Branch employees.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Financial Statements.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 26 U.S.C. 7801, 26 U.S.C. 7802.

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

##### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records.

##### RETRIEVABILITY:

By Taxpayer's name.

##### SAFEGUARDS:

Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

##### RETENTION AND DISPOSAL:

Dispose after 2 years. Auth: IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

##### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries may be addressed to the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

##### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with

instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (International).

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

Overseas Examination branch employees.

##### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Treasury/IRS 49.007

##### SYSTEM NAME:

Overseas Compliance Projects System—Treasury/IRS.

##### SYSTEM LOCATION:

The central files for this system are maintained at the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024. A corresponding system of records is separately maintained by the foreign posts located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Riyadh, Saudi Arabia; (5) Nassau, Bahamas; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Assistant Commissioner (International).

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

United States Citizens, Resident Aliens, Nonresident Aliens.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

Documents and factual data relating to: (1) Personal expenditures or investments not commensurate with known income and assets; (2) receipt of significant unreported income; (3) improper deduction of significant capital or personal living expenses; (4) failure to file required returns or pay tax due; (5) omission of assets or improper deduction or exclusion of items from state and gift tax returns.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7602, 26 U.S.C. 7801, 26 U.S.C. 7802.



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records.

**RETRIEVABILITY:**

By Taxpayer Name.

**SAFEGUARDS:**

Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Dispose after 3 years. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Documents and data relating to income and expense items concerning income, Estate and Gift tax returns.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 49.008

**SYSTEM NAME:**

Taxpayer Service Correspondence System—Treasury/IRS.

**SYSTEM LOCATION:**

This system is separately maintained by each one of the 14 overseas posts of the Office of the Assistant Commissioner (International) located in: (1) Bonn, Germany; (2) Sydney, Australia; (3) Caracas, Venezuela; (4) Riyadh, Saudi Arabia; (5) Nassau,

Bahamas; (6) London, England; (7) Manila, Philippines; (8) Mexico City, Mexico; (9) Ottawa, Canada; (10) Paris, France; (11) Rome, Italy; (12) Sao Paulo, Brazil; (13) Singapore and (14) Tokyo, Japan. Inquiries concerning this system of records maintained by the foreign posts should be addressed to the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

United States Citizens, Resident Aliens, Nonresident Aliens.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Correspondence from taxpayers, foreign post personnel and the Office of the Assistant Commissioner (International) headquarters offices in Washington, DC.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7602, 26 U.S.C. 7801, 26 U.S.C. 7802.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records.

**RETRIEVABILITY:**

By Taxpayer Name.

**SAFEGUARDS:**

Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Dispose after 2 years. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Office of the Assistant Commissioner (International), 950 L'Enfant Plaza, SW., Fourth Floor, Washington, DC 20024.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Office of the Assistant Commissioner (International).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and the Office of the Assistant Commissioner (International) foreign posts and headquarter's offices.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 50.001

**SYSTEM NAME:**

Employee Plans/Exempt Organizations, Correspondence Control Records (Form 5961)—Treasury/IRS.

**SYSTEM LOCATION:**

National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Requestors of letter rulings, and subjects of field office requests for technical advice and assistance and other correspondence.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains the name, date, nature and subject of an assignment, and work history. Sub-systems include case files that contain the correspondence, internal memoranda, and related material. They also include digests of issues involved in proposed revenue rulings.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801, 7802, and 7805.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103 and 26 U.S.C. 6104 where applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, microfiche and magnetic media.



**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Security will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Control Schedule 104 for Employee Plans/Exempt Organization—National Office, IRM 1(15)59.14.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Employee Plans/Exempt Organizations), 1111 Constitution Avenue, NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner (EP/EO), National Office.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Individuals requesting rulings or information and field offices requesting technical advice or assistance.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 50.003

**SYSTEM NAME:**

Employee Plans/Exempt Organizations, Report of Significant Matters in Technical (M-5945)—Treasury/IRS.

**SYSTEM LOCATION:**

National Office. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individual subjects of letter ruling requests, technical advice requests etc., where a "Report of Significant Matter in Technical," has been prepared because of the presence of a matter significant to tax administration.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Copies of "Reports of Significant Matter in Technical."

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801, 7802, and 7805.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103 and 26 U.S.C. 6104 where applicable.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records.

**RETRIEVABILITY:**

Indexed by name.

**SAFEGUARDS:**

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

As specified in the Records Control Schedule 104 for Employee Plans/Exempt Organizations—National Office, IRM 1(15)59.14.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, (Employee Plans/Exempt Organizations), 1111 Constitution Avenue, NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the System Manager.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Assistant Commissioner, (Employee Plans/Exempt Organizations), National Office.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Individual subjects of letter ruling requests, technical advice requests, etc., where a "Report of Significant Matter in EP/EO" has been prepared.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 60.001

**SYSTEM NAME:**

Assault and Threat Investigation Files, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office, Regional Inspectors' Offices, as well as offices of the District Directors.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals attempting to interfere with the administration of Internal Revenue laws through threats, assaults or forcible interference of any officer or employee while discharging the official duties of his position, or individuals classified as potentially dangerous taxpayers, based on verifiable evidence or information that fit the following criteria: (1) Taxpayers who physically assault an employee; (2) taxpayers who have on hand a deadly or dangerous weapon when meeting with an employee and it is apparent their purpose is to intimidate the employee; (3) taxpayers who make specific threats to do bodily harm to an employee; (4) Taxpayers who use animals to threaten or intimidate an employee; (5) taxpayers who have committed the acts set forth in any of the above criteria (1) through (4), but whose acts have been directed against employees of other governmental agencies at Federal, state, county, or local levels; and (6) taxpayers who are not classifiable as potentially dangerous through application of the above criteria (1) through (5), but who have demonstrated a clear propensity toward violence through acts of violent behavior to a serious and extreme degree within the five (5) year period immediately preceeding the time of classification as potentially dangerous.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Document citing the complaint; (2) Documentary evidence (i.e., threatening letter); (3) Report of investigation, with possible statements, or affidavits as exhibits, and related tax information; (4) Report of legal action, if case is prosecuted; (5) Local police record of individual named in case; (6) FBI record of individual named in the case.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7608, 7801, 7802



**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets, or on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Documents Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection). (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.002

**SYSTEM NAME:**

Bribery Investigation Files, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and/or former employees of the Treasury Department; taxpayers and non-IRS persons whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Report of investigation including exhibits, affidavits, transcripts, and documentation concerning requests and approval for consensual telephone and consensual non-telephone monitoring; (2) Report of legal action concerning the results of prosecution; (3) Prior criminal record of subject.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for enforcing or prosecuting the violations of, or for implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets, or on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-



know basis, all of whom have been the subject of background investigations.

#### RETENTION AND DISPOSAL:

In accordance with Records Disposition Handbook, IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Inspection).  
(See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.003

#### SYSTEM NAME:

Conduct Investigation Files,  
Inspection—Treasury/IRS.

#### SYSTEM LOCATION:

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of Internal Revenue Service, and other Bureaus and Services within the Department of the Treasury.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Document citing complaint of alleged misconduct or violation of statute; (2) Report of investigation to resolve allegation of misconduct or violation of statute, with related exhibits of statements, affidavits or records obtained during investigation; (3) Report of action taken by management personnel adjudicating any misconduct substantiated by the investigation; (4) Report of legal action resulting from violations of statutes referred for prosecution.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (8) To Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. Disclosure may be made during judicial processes.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records, in folders, maintained in file cabinets, and on magnetic media.

#### RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

#### SAFEGUARDS:

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

#### RETENTION AND DISPOSAL:

In accordance with Records Disposition Handbook, IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Inspection).  
(See IRS Appendix A.)

#### NOTIFICATION PROCEDURES:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

#### RECORD ACCESS PROCEDURES:

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Department of Treasury personnel and records, Taxpayers (Complainants, Witnesses, Confidential Informants), Other Federal Agencies, State and local agencies, Tax Returns and related documents, Personal observations of the investigator, and subjects of the investigation.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.004

#### SYSTEM NAME:

Disclosure Investigation Files,  
Inspection—Treasury/IRS.

#### SYSTEM LOCATION:

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(1) Internal Revenue Service employees and/or Government contract employees at IRS Facilities, who have allegedly disclosed confidential tax



information; (2) Federal, State and local Government employees who have allegedly disclosed confidential Federal tax information; (3) Tax return preparers who have allegedly disclosed confidential Federal tax information.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Document citing the complaint of the alleged criminal or administrative violation; (2) Investigative report, including statements, affidavits and any other pertinent documents supporting the investigative report, which will be attached as an exhibit; (3) Report of legal action if case is accepted by U.S. Attorney for prosecution; (4) Report of action by management personnel if case is referred for administrative adjudication.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's

functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

##### RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

##### SAFEGUARDS:

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

##### RETENTION AND DISPOSAL:

In accordance with Records Disposition Handbook, IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Inspection). (See IRS Appendix A.)

##### NOTIFICATION PROCEDURES:

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

##### RECORD ACCESS PROCEDURES:

This system of records is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

This system of records contains investigatory material compiled for criminal law enforcement purposes whose sources need not be reported.

##### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.005

##### SYSTEM NAME:

Enrollee Applicant Investigation Files; Inspection—Treasury/IRS.

#### SYSTEM LOCATION:

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Former employees and non-IRS persons who apply for enrollment to practice before IRS under the provisions of Circular 230.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative reports on non-IRS employees covering derogatory results of checks of: FBI files; Inspection files; local police; Examination, Criminal Investigation and Collection Division files; and verification of Federal tax filing status. Also, appropriate documents attached as exhibits showing results of above file checks.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

26 U.S.C. 7801, 7802.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in



28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets and on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection). (See IRS Appendix A.)

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection) National Office.

**RECORD ACCESS PROCEDURES:**

Same as Notification section.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Internal Revenue Service, Federal Bureau of Investigation, local police departments.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 60.006

**SYSTEM NAME:**

Enrollee Charge Investigation Files, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

IRS employees or former employees, tax practitioners, attorneys, certified public accountants or enrolled persons.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

A documented complaint or request for investigation alleging criminal or administrative misconduct affecting IRS integrity. A report of investigation, including exhibits such as affidavits, statements or documents which have been reviewed. A report of legal action resulting from violations of statutes referred for prosecution.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 7801, 7802, 7608.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets or on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection). (See IRS Appendix A.)

**NOTIFICATION PROCEDURES:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Department of Treasury, personnel and records, other Federal agencies, taxpayers/complainants, state and local agencies, tax returns, newspapers, person acquainted with the individual under investigation, subjects of the investigation, and personal observations of the investigator.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.007

**SYSTEM NAME:**

Miscellaneous Information File, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and former employees of the Internal Revenue Service; Tax Practitioners (Attorneys, Certified Public Accountants, Enrolled Persons, Return Preparers); alleged tax violators; persons whose actions or alleged actions indicated a threat to IRS employees, facilities, or the integrity of the tax system; confidential informants; and reputed members of the organized criminal element.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Complaint type information regarding IRS employees which is not, in itself, specific or significant enough to initiate an investigation when received. (2) Allegations of bribery and gratuities by taxpayers and/or their representatives which are not by themselves specific or significant enough to initiate an investigation when received. (3) Allegations of misconduct by tax practitioners, enrolled persons, or tax preparers which are not by themselves specific or significant enough to initiate an investigation when received. (4) Any information received or developed by Inspection that has a bearing on IRS, but is not of itself specific or significant enough to initiate an investigation when received. (5) Information received by Inspection pertaining to alleged violations enforced by other agencies or divisions of IRS, copies of which are referred to those respective agencies or divisions. (6) Photographs and descriptive data of some IRS employees and of persons arrested by Inspection. (7) Information concerning lost or stolen Government documents, property, credentials, or IRS employee personal property lost or stolen on Government premises. (8) List of persons in state or local government agencies working under state agreements and having access to federal tax information. (9) Newspaper or periodical items about IRS. (10) Newspaper items regarding attorneys, CPA's, Tax Practitioners, or Return Preparers arrested, indicted, convicted or under investigation by other agencies. (11) Allegations of threats, assaults, forcible interference, or other violence type activity aimed at employees or facilities of IRS which are not by themselves specific or significant enough to initiate an investigation when received. Information regarding Inspection's mission which does not fall into any of the above categories.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records, in folders, maintained in file cabinets, or on magnetic media.

**RETRIEVABILITY:**

By name of individual, subject, or incident involved, by name of cross-referenced third parties, and/or information item number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-

know basis, all of whom have been the subject of background investigations.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59. Informant files are retained as long as informant remains active.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection). (See IRS Appendix A.)

**NOTIFICATION PROCEDURES:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Department of Treasury personnel and records, newspapers and periodicals, taxpayers (complainants, witnesses, and informants), state and local government agency personnel and records, and anonymous complainants.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 60.008

**SYSTEM NAME:**

Security, Background and Character Investigations Files, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current, former and prospective employees of: Internal Revenue Service, Office of the Secretary of the Treasury, Office of the General Counsel, Office of the Treasurer of the United States, Office of the Comptroller of the Currency, Office of International Finance, Financial Management Service (formerly Bureau of Government Financial Operations), Bureau of Accounts, Bureau of Engraving and Printing, Bureau of the Mint, Bureau of the Public Debt, U.S. Savings Bonds



Division, Federal Law Enforcement Training Center, and Private Contractors at IRS Facilities.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Federal Employment Application Forms; (2) Results of National Agency Checks (prior reports and records from FBI Investigative Files, Fingerprint Files, Office of Personnel Management, Defense Central Index of Investigations, House Committee on Internal Security, and Coast Guard Intelligence); (3) Employees' Tax Account Histories; (4) Results of Employees' Tax Examinations; (5) Employees' Financial Statements; (6) A summary report, a narrative report, notes and/or written replies resulting from the investigator's inquiries into the subject's scholastic record, prior employment, military service, references, neighbors, acquaintances or other knowledgeable sources, police records and past credit record; (7) Report of action taken by management personnel adjudicating any derogatory information developed by the investigation; (8) Report of legal action resulting from violations of statutes referred for prosecution.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 10450; EO 11222.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or

settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Paper records, in folders, maintained in file cabinets, or on magnetic media.

##### RETRIEVABILITY:

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

##### SAFEGUARDS:

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection Personnel on a need-to-know basis, all of whom have been the subject of background investigations.

##### RETENTION AND DISPOSAL:

In accordance with Records Disposition Handbook, IRM 1(15)59.

##### SYSTEM MANAGER(S) AND ADDRESS:

Assistant Commissioner (Inspection). (See IRS Appendix A.)

##### NOTIFICATION PROCEDURES:

Individuals seeking to determine if the system contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection), National Office.

##### RECORD ACCESS PROCEDURES:

Same as Notification Procedures.

##### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

##### RECORD SOURCE CATEGORIES:

Employment Application Forms submitted by subjects of investigation. Financial information from subjects. Federal, State and Local Government Agencies (Police, Court and Vital Statistics records). Credit Reporting Agencies. Neighbors (former and

present). References. Former and present employers and co-workers. Other third party sources. Schools. Tax Returns and Examination Results. Information provided by the individual under investigation.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

#### Treasury/IRS 60.009

##### SYSTEM NAME:

Special Inquiry Investigation Files, Inspection—Treasury/IRS.

##### SYSTEM LOCATION:

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees or former employees of the Treasury Department and the Internal Revenue Service. Non-employees whose alleged criminal actions may affect the integrity of the Internal Revenue Service.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

A documented complaint from some source alleging criminal or administrative misconduct affecting Internal Revenue Service integrity. Reports of integrity reviews and tests for deterrence and detection of fraud or corrupt practices and serious control weaknesses. A report of investigation to resolve the complaint, or the suspected problem detected by integrity reviews and tests including exhibits of IRS or public documents reviewed during the investigation.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or



regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets, and on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties, subject, or other identifier and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.

**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection). (See IRS Appendix A.)

**NOTIFICATION PROCEDURES:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system is exempt and may not be accessed for purposes of notification and inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers (Complainants, Witnesses, Confidential Informants), Federal, State and Local Government Agencies' personnel and records (Police, court, property, etc.), Newspapers or periodicals, Department of the Treasury personnel and records, Financial institutions, and other private business records.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 60.010**

**SYSTEM NAME:**

Tort Investigation Files, Inspection—Treasury/IRS.

**SYSTEM LOCATION:**

IRS National Office and Regional Inspectors' Offices. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the Department of the Treasury and non-Federal persons involved in accidents on property under Department of the Treasury jurisdiction or with Department of the Treasury employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Report of investigation including exhibits such as SF-91, Operator's Report of Motor Vehicle Accident; SF-91A, Investigation Report of Motor Vehicle Accident; SF-92A, Report of Accident Other Than Motor Vehicle; SF-94, Statement of Witness; Optional Form 26, Data Bearing Upon Scope of Employment of Motor Vehicle Operator. In addition, attached as exhibits might be a Police Report of the accident; copies of insurance policies of the involved drivers; photographs of the scene or vehicles after the accident; Treasury Department vehicle maintenance record, medical records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301; 26 U.S.C. 7602, 7608, 7801, 7802; EO 11222.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (2) To disclose pertinent information to appropriate Federal, state, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (6) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (7) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records, in folders, maintained in file cabinets, or on magnetic media.

**RETRIEVABILITY:**

By name of individual to whom it applies, cross-referenced third parties, and/or by case number.

**SAFEGUARDS:**

Minimum requirements provided for by the Physical and Document Security Handbook, IRM 1(16)41. Also, accessible to Inspection personnel on a need-to-know basis, all of whom have been the subject of background investigations.



**RETENTION AND DISPOSAL:**

In accordance with Records Disposition Handbook, IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner (Inspection).  
(See IRS Appendix A.)

**NOTIFICATION PROCEDURES:**

Individuals seeking to determine if their record is accessible may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to Assistant Commissioner (Inspection), National Office.

**RECORD ACCESS PROCEDURES:**

Same as Notification section above.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Department of Treasury personnel and records, Federal, State and local police agencies, Witnesses, Subjects involved in the investigation, Hospitals (medical records), Doctors (medical records and personal observations), Personal observations of the investigator, Automobile repair facilities, Insurance Companies, Attorneys, Federal, state and local driver license records, and Federal and State vehicle registration records.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 70.001

**SYSTEM NAME:**

Individual Income Tax Returns, Statistics of Income—Treasury/IRS.

**SYSTEM LOCATION:**

Primary—Internal Revenue Service Data Center, Secondary—(a) Internal Revenue Service, Statistics Division, (b) Treasury Department, Office of Tax Analysis (c) Health and Human Services Department, Parklawn Computer Center, (d) Federal Records Centers, (e) Treasury Department, Automated Systems Division, (f) Congress of the United States, Joint Committee on taxation. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM: TAXPAYERS SELECTED FOR AN ANNUAL STATISTICAL SAMPLE.****CATEGORIES OF RECORDS IN THE SYSTEM:**

Sources of income, exemptions, deductions, income tax, and tax credits, as reported on Forms 1040, 1040A and 1040EZ U.S. Individual income tax return. The records are used to prepare and publish annual statistics, with

respect to the operations of the tax laws and for special statistical studies and compilations. The statistics, studies, and compilations are designed so as to prevent disclosure of a particular taxpayer identity.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

26 U.S.C. 6108.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper Records and magnetic media.

**RETRIEVABILITY:**

Each magnetic tape record is identified by social security number and a unique Document Locator Number assigned by the Internal Revenue Service. Those with sole proprietorship income, in addition, contain employer identification number, if reported by the taxpayer.

**SAFEGUARDS:**

Access Controls will not be less than provided for by the Physical and Document Security Handbook, IRM 1(16)41.

**RETENTION AND DISPOSAL:**

Input records disposed after publication of the statistics, except for input records for high income taxpayers for tax years prior to 1967 which are disposed after 40 years. Output records retained permanently. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Commissioner, Returns and Information Processing, National Office. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual.

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records.

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Primary Forms 1040, 1040A, and 1040EZ U.S. Individual Income Tax Returns. Secondary: Form SS-5, Application for a social security number.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.001

**SYSTEM NAME:**

Chief Counsel Criminal Tax Case Files—Treasury/IRS.

Note: Each Regional Counsel Office and District Counsel Office maintains one of these systems. The National Office maintains two of these systems. The information in this notice applies to all 61 systems.

**SYSTEM LOCATION:**

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Taxpayers and related parties against whom tax-related criminal recommendations have been made. (2) Taxpayers and related parties on whom advice has been requested concerning investigation for tax-related offenses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Internal Control Records. (2) Legal and administrative files including investigative reports.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other



relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Records are locked up during nonworking hours and during periods when the work area is vacant. Access is strictly controlled and limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Legal files are generally retired to the Federal Records Center (FRC) one year after they are closed. The FRC will retain "significant case" files an additional 19 years and dispose of them 20 years after they are closed. Other legal files are retained in the FRC 4

years after they are transferred to the FRC and disposed of 5 years after they are closed. Duplicate National Office legal files are retained in the Division 1 year after they are closed in the field. Files transferred from other Divisions are returned to the source when no longer needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Criminal Tax Division is the system manager of one National Office system. With respect to international issues, the system manager is the Associate Chief Counsel (Technical and International). The addresses are in the Appendix. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or 552a(j)(2).

**RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for the purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or 552a(j)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.002

**SYSTEM NAME:**

Chief Counsel Disclosure Litigation Division Case Files—Treasury/IRS.

**SYSTEM LOCATION:**

Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who communicate with the Service regarding disclosure matters or who are involved with a disclosure issue involving the Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Legal Case and Administrative Case Files; (2) Internal Control Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of



1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply, cross-referenced third parties, issues, and by case number.

**SAFEGUARDS:**

A background investigation is made on personnel. Division offices are located in a security area. Access to keys to these offices is restricted. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Legal files are generally retired to the Federal Records Center (FRC) 1 year after they are closed. The FRC will retain "significant case" files an additional 29 years and dispose of them 30 years after they are closed. Other legal files are retained in the FRC 5 years after they are transferred to the FRC and disposed of 6 years after they are closed. Other records are retained in the Division for the same time periods as described above.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Disclosure Litigation Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**RECORD ACCESS PROCEDURES:**

This system may not be accessed for purpose of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Persons who communicate with the agency regarding disclosure matters;

Department of Treasury employees; State, local, and foreign governments; other Federal agencies; witnesses; informants; parties to disputed matters of fact or law.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 90.003**

**SYSTEM NAME:**

Chief Counsel General Administrative Systems—Treasury/IRS.

Note: Each of the 7 Regional Counsel Offices and 52 District Counsel Offices, each of the 9 Divisions in the National Office, the Office of the Chief Counsel, and the Office of the Deputy Chief Counsels (Policy and Legal Programs) and (Management and Operations), Associate Chief Counsels (Litigation, International and Technical), Deputy Associate Chief Counsel (Technical) and Deputy Associate Chief Counsel (International), maintain a General Administrative System. This notice applies to all 75 of these systems.

**SYSTEM LOCATION:**

The location of these systems are listed in the Appendix. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

- (1) Past, present and prospective employees of the Chief Counsel's Office.
- (2) Tax Court Witnesses.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

- (1) Employee records other than Official Personnel Files of the Office of Personnel Management and the Merit Systems Protection Board.
- (2) Time and attendance rosters.
- (3) Financial records such as travel expenses, Notary Public expenses, moving expenses, expenses of Tax Court witnesses and miscellaneous expenses.
- (4) Employee recruiting records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose information to the Office of Personnel Management and the Merit Systems Protection Board for appropriate

Personnel actions. (3) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (4) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (5) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (6) To disclose information to foreign governments in accordance with formal or informal international agreements. (7) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (8) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (9) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (10) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are generally retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access



limited to authorized personnel or individuals in the company of authorized personnel.

#### RETENTION AND DISPOSAL:

Records are updated periodically to reflect changes and maintained as long as needed. Auth: IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Each Regional Counsel is the system manager of the systems in his or her Region. Each Division Director is the system manager of the system in his or her Division. The Chief Counsel, the Deputy Chief Counsels (Policy and Legal Programs) and (Management and Operations), the Associate Chief Counsels (Litigation) (Technical) and (International) and the Deputy Associate Chief Counsels (Technical) and (International) are the system managers of the system in each of their Offices. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix. (See IRS Appendix A.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Regional Counsel of the Region in which the records are located or the Director of the Disclosure Litigation Division in the case of records in the National Office. The addresses are listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Employees, Department of Treasury personnel; Tax Court witnesses; Office of Personnel Management and Merit Systems Protection Board; other Federal agencies; State, local, and foreign governments; references; former employers.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

#### Treasury/IRS 90.004

#### SYSTEM NAME:

Chief Counsel General Legal Services Case Files, Treasury/IRS.

Note: Each of the seven Regional Counsel Offices and the National Office maintain a General Legal Services Case File System. The information in this notice applies to all eight of the systems.

#### SYSTEM LOCATION:

The addresses of the National Office and each Regional Counsel Office are listed in the Appendix. (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons involved in litigation, actions, investigations or cases falling within the jurisdiction of the General Legal Services function including persons (1) who have caused service of subpoenas, summonses, or other judicial processes directed to an officer or employee of the Treasury Department in his official capacity; (2) who are parties in personnel matters, as well as discrimination and labor management relations matters, of the Internal Revenue Service, Chief Counsel's Office or, in some instances, other agencies in the Treasury Department; (3) who are parties in practitioner actions under the jurisdiction of the Director of Practice or the Joint Board of Actuaries; (4) who are parties in procurement matters and under the Federal Claims Collection Act; (5) who are parties in litigation or administrative claims involving alleged violations of the United States Constitution, the Federal Tort Claims Act, the Military Personnel and Civilian Employee Compensation Act, relief of accountable officers for loss of Government funds, rewards, acts of officers or employees acting within the scope of their employment, or official acts of officers or employees not directly relating to Federal tax issues but relating to the Internal Revenue Service; (6) who are parties in miscellaneous matters referred to the General Legal Service Division; (7) who are the subjects of investigations made by the Internal Security Division if the case is referred to the General Legal Services Division; (8) who have filed petitions for the remission or mitigation of forfeitures or who are otherwise directly involved as parties in forfeiture matters, judicial or administrative; (9) who are officials of the Internal Revenue Service and

Chief Counsel's Office required to file a Financial Disclosure Statement under the Ethics in Government Act of 1978; (10) who have corresponded regarding a matter under consideration within the General Legal Services Division.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Legal case and administrative case files. (2) Internal control cards. (3) Correspondence files.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301 and 26 U.S.C. 7801.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purposes of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties



during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To provide information to the Director of Practice and Joint Board of Actuaries in practitioner disciplinary matters. (11) To provide information to the Office of Personnel Management in personnel, discrimination and labor management matters. (12) To provide information to arbitrators, the Federal Labor Relations Authority, including the Office of the General Counsel of that authority, the Federal Service Impasses Board and the Federal Mediation and Conciliation Service in labor management matters. (13) To provide information to the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (14) To provide information to the Equal Employment Opportunity Commission in Personnel, Discrimination, and Labor Management matters. (15) To provide information to the Special Counsel of the Merit Systems Protection Board in Personnel, Discrimination, and Labor Management matters. (16) To provide information to the General Services Administration in property management matters. (17) To provide information to Federal, foreign, and state government agencies to the extent necessary to obtain records in their possession. (18) To provide information to the Administrative Assistant of the Executive Resources Board as to Financial Disclosure Statements, who makes the statements available to the public as required by law. (19) To provide information to other federal agencies for the purpose of effectuating inter-agency salary offset or inter-agency administrative offset. (20) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. (21) To provide information to the Office of Government Ethics in conflict of interest, conduct, financial statement reporting, and other ethical matters.

#### **DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12). Disclosures of debt information concerning a claim against an individual may be made from this system to consumer reporting agencies as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f) or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3).

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Paper records and magnetic media.

#### **RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply. If more than one person is involved in a given case then it is generally retrievable only by the first named person.

#### **SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

#### **RETENTION AND DISPOSAL:**

Legal files are generally retired to the Federal Records Center (FRC) 1 year after the cases are closed. The FRC will retain "significant case" files an additional 19 years and dispose of them 20 years after they are closed. Other legal files are retained in the FRC 4 years after they are transferred to the center and disposed of 5 years after they are closed. Other records are retained in the Division for the same time periods described above.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Each Regional Counsel is the system manager of the system in his or her Region. The Director of the General Legal Services Division is the system manager of the National Office system. The addresses are in the Appendix. (See IRS Appendix A.)

#### **NOTIFICATION PROCEDURE:**

This system of records may not be accessed for purposes of determining if the system contains a record pertaining to a particular individual as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

#### **RECORD ACCESS PROCEDURES:**

This system of records may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a(d)(5) and/or (k)(2).

#### **CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### **RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

#### **SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.005

#### **SYSTEM NAME:**

Chief Counsel General Litigation Case Files—Treasury/IRS.

Note: Each Regional Counsel Office and each District Counsel Office maintains one of these systems. The National Office maintains two of these systems. The information in this notice applies to all 61 systems.

#### **SYSTEM LOCATION:**

The addresses of the National Office, each Regional Counsel Office and each District Counsel Office are listed in the Appendix. (See IRS Appendix A.)

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Taxpayers or other individuals involved in matters referred to the General Litigation function including: (a) Taxpayers with outstanding tax liabilities or with potential outstanding tax liabilities; (b) persons from whom information is being sought (summons); (c) persons requesting information (disclosure); (d) present or former Internal Revenue Service employees who are being or may be sued in connection with their duties or who have been called upon to testify in private litigation; (e) persons who are or may be liable to the United States on non-tax claims; (f) persons who have submitted offers in compromise of federal taxes. (2) Persons who have corresponded regarding a matter under consideration within the General Litigation function.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Legal and Administrative Files. (2) Internal Control Records. (3) Offer in Compromise Files. (4) Correspondence Files.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To provide information to other Federal agencies holding funds of taxpayer for the purpose of collecting a liability owed by the taxpayer. (2) To disclose information to the Department



of Justice for the purpose of litigating an action or seeking legal advice. (3) To provide information to State and local taxing authorities for the purpose of enforcing Federal tax laws. (4) To provide information to Federal, state and local regulatory authorities for purposes of collection of Federal taxes. (5) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (6) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (7) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (8) To disclose information to foreign governments in accordance with formal or informal international agreements. (9) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (10) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (11) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (12) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

National Office, Regional, and District counsel legal files are generally retired to the Federal Records Center (FRC) 1 year after they are closed. The FRC will retain "significant case" files an additional 24 years and dispose of them 25 years after the cases are closed. Other legal files are retained in the FRC 9 years after they are transferred to the Center and disposed of 10 years after they are closed. Other records are retained in the Division for the same time periods described above. Files transferred from other divisions are returned to the source when no longer needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the General Litigation Division is the system manager of one National Office system. With respect to international issues, the system manager is the Associate Chief Counsel (Technical and International). The addresses are in the Appendix. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**RECORD ACCESS PROCEDURES:**

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.006

**SYSTEM NAME:**

Chief Counsel Interpretative Division and Employee Plans and Exempt Organization Division, and Associate Chief Counsel (Technical and International) Case Files—Treasury/IRS.

**SYSTEM LOCATION:**

Interpretative Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224; Employee Plans and Exempt Organizations Division, and Associate Chief Counsel (Technical and International), same address.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers concerning whom legal issues have been referred to the Interpretative Division or the Employee Plans and Exempt Organizations Division for opinion.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Legal Case Files and Advisory Legal Opinions; (2) General Counsel Memorandums; (3) Office Memorandums; (4) Internal Control Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal, or other relevant enforcement information or other pertinent information, which has requested information relevant to or



necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To provide information to the Social Security Administration to consult about a matter involving legal issues concerning the imposition of Social Security taxes. (11) To provide information to the Department of Labor or the Pension Benefit Guaranty Corporation concerning the Employee Retirement Income Security Act.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by case name or title assigned to the project (which sometimes, but not always, corresponds with the name of the individual taxpayer).

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

General Counsel Memorandums, Office Memorandums, and legal case files are retained indefinitely in the National Office. Internal Control Records are generally disposed of when no longer useful.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Interpretative Division, Internal Revenue Service, Office of the Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224; Director, Employee Plans and Exempt Organizations Division, same address. With respect to international issues, the Associate Chief Counsel (Technical and International) is the system manager.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives, Department of Treasury personnel, other Federal agencies, State, local, and foreign governments, other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 90.007**

**SYSTEM NAME:**

Chief Counsel Legislation and Regulations Division, Employee Plans and Exempt Organizations Division, and Associate Chief Counsel (Technical and International) Correspondence and Private Bill Files—Treasury/IRS.

**SYSTEM LOCATION:**

Legislation and Regulations Division, Internal Revenue Service, Office of

Chief Counsel, 1111 Constitution Avenue NW., Washington, DC 20224; Employee Plans and Exempt Organizations Division and Associate Chief Counsel (Technical and International), same address.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Persons who have corresponded to the Service, the Department of the Treasury, the White House or Members of Congress regarding a matter in which the Legislation and Regulations Division or the Employee Plans and Exempt Organizations Division was asked to draft a reply. (2) Persons on whose behalf private relief bills were introduced in Congress involving tax related matters.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Correspondence Files; (2) Private Relief Bill Legal Files; (3) Internal Control Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To



disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To provide information to the agency or individual who directed correspondence to the Legislation and Regulations Division for the Division to draft a response.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Correspondence files are retrievable by the name of the individual who initiated the correspondence. Private Relief Bill files are retrievable by the H.R. or S. number for each Congress.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Correspondence files are generally disposed of after 3 years. Private Relief Bill files are periodically updated to reflect changes and are maintained as long as needed. Internal control records are generally disposed of after 2 years or when no longer useful. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Legislation and Regulations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, DC 20224; Director, Employee Plans and Exempt Organization Division, same address. With respect to international issues, the Associate Chief Counsel

(Technical and International) is the system manager.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. (See IRS Appendix A.)

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Persons who initiate correspondence referred to the Legislation and Regulations Division; Congressional documents; taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; state, local, and foreign governments; witnesses; informants.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/IRS 90.009.**

**SYSTEM NAME:**

Chief Counsel Tax Litigation Case Files—Treasury/IRS.

Note: Each Regional Counsel Office and each District Counsel Office maintains one of these systems. The National Office maintains two of these systems. The information in this notice applies to all 61 systems.

**SYSTEM LOCATION:**

The addresses of the National Office, each Regional Counsel Office, and each District Counsel Office is listed in the Appendix. (See IRS Appendix A.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Taxpayers who have filed petitions with the Tax Court or suits for refunds of Federal taxes. (2) Taxpayers upon whom the issuance of a statutory notice is or was contemplated whose case has been referred to the Tax Litigation function. (3) Taxpayers who are the subject of formal or informal advisory opinions during the investigative stage

of the case or while under administrative processing. (4) Persons who have corresponded regarding a matter under consideration within the Tax Litigation function.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Legal Case and Administrative Case Files. (2) Internal Control Records. (3) Correspondence Files.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2, which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to



the extent necessary to obtain information pertinent to the investigation. (10) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Legal files are generally retired to the Federal Records Center (FRC) one year after they are closed. The FRC will retain "significant case" files an additional 29 years and dispose of them 30 years after they are closed. Other legal files are retained in the FRC 9 years after they are transferred to the Center and disposed of 10 years after they are closed. Other records are periodically updated to reflect changes and maintained as long as needed. Files transferred from other divisions are returned to the source when no longer needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Each Regional Counsel is the system manager of the systems in his or her Region. The Director of the Tax Litigation Division is the system manager of one National Office system. With respect to international issues, the Associate Chief Counsel (Technical and International) is the system manager. The addresses are in the Appendix. (See IRS Appendix A.)

**NOTIFICATION PROCEDURE:**

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**RECORD ACCESS PROCEDURES:**

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives; Department of Treasury personnel; other Federal Agencies; State, local, and foreign governments; witnesses; informants; parties to disputed matters of fact or law; other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 90.010**

**SYSTEM NAME:**

Digest Room Files Containing Briefs, Legal Opinions, and Digests of Documents Generated Internally or by the Department of Justice Relating to the Administration of the Revenue Laws—Treasury/IRS.

**SYSTEM LOCATION:**

Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Taxpayers who have sought Internal Revenue Service rulings and/or legal opinions on tax problems and those whose cases are being or have been adjudicated.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Internal Control Records; (2) Briefs; (3) Legal Opinions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Justice Department personnel for research purposes. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency,

maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Records are kept in a secured area. Access is limited to authorized personnel. Users of the system must show IRS identification and sign a register each time the room is used. Background checks are made on employees.

**RETENTION AND DISPOSAL:**

Briefs, legal opinions, and digests are retained indefinitely.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, DC 20224.



**NOTIFICATION PROCEDURE:**

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**RECORD ACCESS PROCEDURES:**

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Department of Treasury personnel; Department of Justice personnel; taxpayers and their representatives; other Federal agencies; witnesses; informants; State, local, and foreign governments; parties to disputed matters of fact and law; other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.011

**SYSTEM NAME:**

Employee Recruiting Files Maintained by the Operations Division—Treasury/IRS.

**SYSTEM LOCATION:**

Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons who have applied for attorney positions with the Chief Counsel's Office, both National Office and field and persons who have applied for non-attorney positions in the National Office only.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Applicant Files and lists of eligible applicants; Internal Control Records.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department

of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (11) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

The applicant files and other records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. (See IRS Appendix A.)

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in the Appendix. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Applicants, Department of Treasury Personnel; Office of Personnel Management; Other Federal Agencies; State, local, and foreign governments; references, former employers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

Treasury/IRS 90.013

**SYSTEM NAME:**

Legal case files of the Chief Counsel, Deputy Chief Counsels (Policy and Programs) and (Management and Operations) Associate Chief Counsels



(Litigation) and (Technical and International)—Treasury/IRS.

**SYSTEM LOCATION:**

Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons whose cases at one time involved important issues or unusual circumstances which were brought to the attention of the above persons (or their predecessors).

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Legal case files which include internal control records of such case files of both the persons currently holding the above positions and those who previously held such positions.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

(7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records pertaining to individuals are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

This system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**RECORD ACCESS PROCEDURES:**

This system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2).

**CONTESTING RECORD PROCEDURES:**

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

**RECORD SOURCE CATEGORIES:**

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies; State, local, and

foreign governments; other persons who communicate with the Internal Revenue Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 90.014**

**SYSTEM NAME:**

Management Files Maintained by Operations Division and the Deputy Chief Counsel (Management and Operations) other than the Office of Personnel Management's Official Personnel Files—Treasury/IRS.

**SYSTEM LOCATION:**

Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224. The location of the Executive Resources Board Files is: Deputy Chief Counsel (Management and Operations), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former employees of Chief Counsel's Office, both National Office and field.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Contains some materials which are duplicated materials contained in the Official Personnel File, and includes material such as: Transfer and reassignment requests, miscellaneous correspondence, personnel listings, information regarding employees' participation in training programs, resumes, information on loss suffered by employees who are theft victims, list of parking permits, records of requests for use of GSA vehicles, case assignments, and financial information on employees.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, 26 U.S.C. 7801, Executive Order 11222, and Executive Order 11590.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose information to the Department of Justice for the purpose of litigating an action or seeking legal advice. (2) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or



implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) To the Office of Personnel Management and Merit System Protection Board for appropriate personnel actions. (11) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or

individuals in the company of authorized personnel.

**RETENTION AND DISPOSAL:**

Records are periodically updated to reflect changes and maintained as long as needed.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224. The system manager of the Executive Resources Chief Counsel Board Files is: Deputy Chief Counsel (Management and Operations), Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in Appendix A.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in Appendix A. Information leading to the identity of a confidential source is exempt pursuant to 5 U.S.C. 552a(k)(5).

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Employees; Department of Treasury Personnel; Office of Personnel Management and Merit System Protection Board; other Federal agencies; state, local, and foreign governments; references; former employers.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system has been designated as exempt from certain provisions of the Privacy Act.

**Treasury/IRS 90.015**

**SYSTEM NAME:**

Reference Records of the Library in the Office of Chief Counsel—Treasury/IRS.

**SYSTEM LOCATION:**

Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Taxpayers who have sought Congressional tax relief by means of a Private Bill. (2) IRS employees who charge out books.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Numerical and alphabetical listing of Private Relief Bill and files related to the Bill. (2) Charge cards and inter-library loan forms.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in these records may be used: (1) To disclose pertinent information to appropriate Federal, State, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (2) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (3) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (4) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (5) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (6) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper records and magnetic media.

**RETRIEVABILITY:**

Records are retrievable by the name of the individual to whom they pertain and Private Bill material can also be retrieved by H.R. or S. number.

**SAFEGUARDS:**

Although access is limited to authorized individuals, this material would be available to any person through a Freedom of Information Act request.

**RETENTION AND DISPOSAL:**

Records are regularly updated. If the library materials to which the references pertain are no longer in the library collection, the reference cards are destroyed. Auth: IRM 1(15)59.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, Washington, DC 20224.

**NOTIFICATION PROCEDURE:**

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in Appendix A.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division. The address is listed in Appendix A.

**CONTESTING RECORD PROCEDURES:**

See Access above.

**RECORD SOURCE CATEGORIES:**

Material to which reference information pertains.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/IRS 90.016

**SYSTEM NAME:**

Reports and Information Retrieval Activity (RIRA) Computer and Microfilm

Records/Counsel Automated Tracking System (CATS)—Treasury/IRS.

**SYSTEM LOCATION:**

Computer Records: Internal Revenue Service Data Center, 1300 John Lodge Drive, Detroit, Michigan 48226. Microfilm Records: Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(1) Taxpayers who initiated suits for refund in district courts or the Claims Court. (2) Taxpayers who have filed petitions with the United States Tax Court. (3) Taxpayers who have requested rulings from the Service in those cases in which the request has been referred to the Office of Chief Counsel for a legal opinion. (4) Taxpayers who have been involved in litigation concerning the collection of taxes. (5) Taxpayers whose cases were the subject of technical advice memoranda to the Solicitor General and similar advisory memoranda. The Counsel Automated Tracking System was developed during fiscal years 1983-1986 to act as a control and management information system for systems in the following Chief Counsel divisions: Tax Litigation, Interpretive, Individual Tax, and Corporation Tax. The system contains control records concerning the categories of individuals identified in these systems.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) Skeletal legal files. (2) Indexes. (3) Actions on Decisions Tax Litigation only, maintained on RIRA for historical purposes. (4) Case Abstracts (Maintained on RIRA for historical purposes). (5) Technical Advice Replies by the Tax Litigation Division. (6) Miscellaneous Advisory Memoranda regarding a case usually going to the Solicitor General.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301, and 26 U.S.C. 7801.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(1) To disclose information to the Department of Justice for the purpose of litigating an action, seeking legal advice, or for research purposes. (2) To disclose pertinent information to appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of

an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation. (10) Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Skeletal legal files and indexes to the narrative material are stored on magnetic media. Actions on Decisions (Tax Litigation only), Case Abstracts, Technical Advice and Advisory Memoranda are stored on microfilm. Input documents are on paper. The CATS system also allows access by interactive terminal.

**RETRIEVABILITY:**

Records are retrievable by legal jacket number and case issue. The CATS system allows retrieval by name of the person to whom they apply.

**SAFEGUARDS:**

Access is limited to employees who have a need for such records in the



course of their work. Background checks are made on employees. All facilities where records are stored have access limited to authorized personnel or individuals in the company of authorized personnel. Passwords are required in the Counsel Automated Tracking System to access system information.

#### RETENTION AND DISPOSAL:

Magnetic media and microfilm will be periodically updated to reflect changes and maintained as long as needed. Input documents are retained for one year. Auth: IRM 1(15)59.

#### SYSTEM MANAGER(S) AND ADDRESS:

Director, Operations Division, Internal Revenue Service, Office of Chief Counsel, 1111 Constitution Avenue, NW., Washington, DC 20224.

#### NOTIFICATION PROCEDURE:

Most of the records in this system may not be accessed for purposes of determining if the records pertain to a particular individual as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2). An individual who wishes to determine whether the system contains any records pertaining to himself which are not exempt may address inquiries to the Director of the Disclosure Litigation Division whose address is listed in the Appendix, see Appendix A.

#### RECORD ACCESS PROCEDURES:

Most of the records in this system may not be accessed for purposes of inspection or for contest of content of records as the records are exempt under 5 U.S.C. 552a (d)(5) and/or (k)(2). Individuals seeking access to any record which is not exempt or seeking to contest its content may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Director of the Disclosure Litigation Division whose address is listed in the Appendix. Taxpayers seeking to adjust records which affect the determination of a tax assessment or the balance due, should utilize existing procedures for doing so, as substantive tax matters are not subject to the amendment provisions of the Privacy Act.

#### CONTESTING RECORD PROCEDURES:

See Access above.

#### RECORD SOURCE CATEGORIES:

Taxpayers and their representatives; Department of Treasury personnel; other Federal agencies, state, local, and foreign governments; witnesses; Informants; Parties to disputed matters of fact or law; other persons who

communicate with the Internal Revenue Service.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system has been designated as exempt from certain provisions of the Privacy Act.

#### Treasury/IRS 90.017

#### SYSTEM NAME:

Correspondence Control and Records, Associate Chief Counsel (Technical and International)—Treasury/IRS.

#### SYSTEM LOCATION:

National Office, (See IRS Appendix A.)

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual subjects of letter rulings, technical advice, memorandum and other correspondence from the Office of the Associate Chief Counsel (Technical and International).

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Cards, disks and tapes containing taxpayer names, date of correspondence, issue, and related information, including in some cases the conclusions reached, and related letter ruling, technical advice, memorandum, and other correspondence files.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, 26 U.S.C. 7801, 26 U.S.C. 7802, 26 U.S.C. 7602, 26 U.S.C. 7805(a).

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Disclosure of returns and return information may be made only as provided by 26 U.S.C. 6103. These records and information in these records may be used: (1) To disclose information to the Department of Justice in connection with actual or potential criminal prosecution or civil litigation, and in connection with requests for legal advice. (2) To disclose pertinent information to appropriate Federal, state, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation. (3) To disclose information to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or

the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit. (4) To disclose information to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings. (5) To disclose information to foreign governments in accordance with formal or informal international agreements. (6) To provide information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. (7) To provide information to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings. (8) To provide information to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (9) To provide information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

#### STORAGE:

Paper records, magnetic media, and tapes.

#### RETRIEVABILITY:

Indexed by name and control number.

#### SAFEGUARDS:

Safeguards will not be less than provided by the Physical and Document Security Handbook, IRM 1(16)41.

#### RETENTION AND DISPOSAL:

Cards, disks and tapes are periodically updated and maintained as long as needed. Related files are destroyed or retired over varying numbers of years as specified in the Records Control Schedule, IRM 1(15)59.1(10).

#### SYSTEM MANAGER(S) AND ADDRESS:

Associate Chief Counsel (Technical and International), National Office. (See IRS Appendix A.)

#### NOTIFICATION PROCEDURE:

Individuals seeking to determine if the system of records contains a record pertaining to themselves may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B.



Inquiries should be addressed to the Associate Chief Counsel (Technical and International), National Office. (See IRS Appendix A.)

#### RECORD ACCESS PROCEDURES:

Individuals seeking access to any record contained in the system of records or seeking to contest its content, may inquire in accordance with instructions appearing at 31 CFR Part 1, Subpart C, Appendix B. Inquiries should be addressed to the Associate Chief Counsel (Technical and International), National Office. (See IRS Appendix A.)

#### CONTESTING RECORD PROCEDURES:

26 U.S.C. 7852(e) prohibits Privacy Act amendment of tax records.

#### RECORD SOURCE CATEGORIES:

Individual subjects of letter rulings, technical advice memorandums, and other correspondence, field office personnel.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

**Treasury/IRS—Appendix A—**  
Inquiries under Treasury/IRS systems should be addressed to the office whose records are to be searched. The titles and addresses of the System Managers are as follows:

#### NATIONAL OFFICE INTERNAL REVENUE SERVICE

Assistant to the Commissioner (Equal Opportunity)  
Assistant to the Commissioner (Public Affairs)  
Assistant to the Commissioner (Collection)  
Assistant to the Commissioner (Computer Services)  
Assistant to the Commissioner (Employee Plans and Exempt Organizations)  
Assistant to the Commissioner (Inspection)  
Assistant to the Commissioner (Planning, Finance and Research)  
Assistant to the Commissioner (Human Resources)  
Assistant to the Commissioner (Returns and Information Processing)  
Assistant to the Commissioner (Criminal Investigation)  
Assistant to the Commissioner (Examination)  
Assistant to the Commissioner (International)  
Director, Office of Disclosure

The address for all of the above Systems Managers with the exception of the Assistant Commissioner (International) noted below, is as follows:

1111 Constitution Avenue NW., Washington, DC 20224  
Assistant Commissioner (International), 950 L'Enfant Plaza SW., Fourth Floor, Washington, DC 20224

#### REGIONAL OFFICES INTERNAL REVENUE SERVICE

##### Central Region:

Regional Commissioner, Internal Revenue Service, Rm. 7110, John W. Peck Federal Building, 550 Main Street, Cincinnati, Ohio 45202

District Director, Internal Revenue Service, P.O. Box 99181 Cleveland, Ohio 44199

District Director, Internal Revenue Service, P.O. Box 32500, Stop #1, Detroit, Michigan 48232-0500

District Director, Internal Revenue Service, P.O. Box 44687 Stop 10, Indianapolis, Indiana 46244

District Director, Internal Revenue Service, P.O. Box 1735, Stop 100, Louisville, Kentucky 40201

District Director, Internal Revenue Service, 425 Juliana Street, Parkersburg, West Virginia 26101

Director, Internal Revenue Service Center, Central Region, 201 W. Second St., Covington, Kentucky 41019

##### Mid-Atlantic Region:

Regional Commissioner, Internal Revenue Service, 841 Chestnut Street, Philadelphia, Pennsylvania 19107

District Director, Internal Revenue Service, George Fallon Building, 31 Hopkins Plaza, Baltimore, Maryland 21201

District Director, Internal Revenue Service, P.O. Box 939, Newark, New Jersey 07101

District Director, Internal Revenue Service, W.J. Green Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106

District Director, Internal Revenue Service, 1000 Liberty Avenue, Room 1139, Pittsburgh, Pennsylvania 15222

District Director, Internal Revenue Service, 400 North 8th Street, Richmond, Virginia 23240

District Director, Internal Revenue Service, 844 King Street, Wilmington, Delaware 19801

Director, Internal Revenue Service Center, Mid-Atlantic Region, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155

##### Midwest Region:

Regional Commissioner, Internal Revenue Service, One North Wacker Drive, Chicago, Illinois 60606

District Director, Internal Revenue Service, Federal Building, 115 Fourth Avenue SE., Aberdeen, South Dakota 57401

District Director, Internal Revenue Service, 230 South Dearborn Street, Room 2890, Chicago, Illinois 60604

District Director, Internal Revenue Service, Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

District Director, Internal Revenue Service, Federal Building and Post Office, 653 Second Avenue, North Fargo, North Dakota 58102

District Director, Internal Revenue Service, Federal Building, Second Floor, 301 South Park, Helena, Montana 59626-0016

District Director, Internal Revenue Service, Federal Building and Court House, 517 East Wisconsin Avenue, Milwaukee, Wisconsin 53202

District Director, Internal Revenue Service, Henry Reuss Building, 310 East Wisconsin Avenue, Milwaukee, Wisconsin 53201

District Director, Internal Revenue Service, H.W. Wheeler Station, P.O. Box 1548, St. Louis, Missouri 63188

District Director, Internal Revenue Service, Federal Building and Court House, 316 North Robert Street, St. Paul, Minnesota 55101

District Director, Internal Revenue Service, P.O. Box 19203, Springfield, Illinois 62794-9203

Director, Internal Revenue Service, Midwest Region, P.O. Box 24551, Kansas City, Missouri 64131

##### North-Atlantic Region:

Regional Commissioner, Internal Revenue Service, 90 Church Street, New York, New York 10007

District Director, Internal Revenue Service, John F. Kennedy Federal Building, Government Center, Boston, Massachusetts 02203

District Director, Internal Revenue Service, Leo W. O'Brien Federal Building, Clinton Avenue and North Pearl Street, Albany, New York 12202

District Director, Internal Revenue Service, 120 Church Street, New York, New York 10007

District Director, Internal Revenue Service, 11201 35 Tillary Street, Brooklyn, New York

District Director, Internal Revenue Service, 111 W. Huron Street, Buffalo, New York 14202

District Director, Internal Revenue Service, 11 Elmwood Avenue, Burlington, Vermont 05401

District Director, Internal Revenue Service, William R. Cotter Federal Building, (Stop 204), 135 High Street, Hartford, Connecticut 06103

District Director, Internal Revenue Service, Federal Building, 80 Daniel Street, Portsmouth, New Hampshire 03801

District Director, Internal Revenue Service, 380 Westminister Mall, Providence, Rhode Island 02903

Director, Internal Revenue Service, North-Atlantic Region, (Stop 100) 310 Lowell Street, Andover, Massachusetts 01551

Director, Internal Revenue Service, North-Atlantic Region, (Stop 100), 1040 Waverly Avenue, Holtzville, New York 11799

##### Southeast Region:

Regional Commissioner, Internal Revenue Service, P.O. Box 926, Room 600, Atlanta, Georgia 30370

District Director, Internal Revenue Service, 275 Peachtree Street, NE., Atlanta, Georgia 30043

District Director, Internal Revenue Service, 500 22nd Street South, Birmingham, Alabama 35233

District Director, Internal Revenue Service, 1835 Assembly Street, Columbia, South Carolina 29201

District Director, Internal Revenue Service, 320 Federal Place, Greensboro, North Carolina 27401

District Director, Internal Revenue Service, Suite 504, 100 W. Capitol Street, Jackson, Mississippi 39269



District Director, Internal Revenue Service, Federal Office Building, 400 West Bay Street, Jacksonville, Florida 32202

District Director, Internal Revenue Service, 801 Broadway, Nashville, Tennessee 37203

District Director, Internal Revenue Service, (Stop 6), 700 W. Capitol, Little Rock, Arkansas 72201

District Director, Internal Revenue Service, (Stop 6), 500 Camp Street, New Orleans, Louisiana 70130

District Director, Internal Revenue Service, One University Drive, Building B, Ft. Lauderdale, Florida 33324

District Director, Internal Revenue Service Center, Southeast Region, 4800 Buford Highway, Chamblee, Georgia 30341

District Director, Internal Revenue Service Center, Southeast Region, P.O. Box 30309, Airport Mail Facility, Memphis, Tennessee 38130

Southwest Region:

Regional Commissioner, Internal Revenue Service, LB 70 Stop 1000 SWR, 7839 Churchill Way, Dallas, Texas 75251

District Director, Internal Revenue Service, 517 Gold Avenue, SW., Albuquerque, New Mexico 87101

District Director, Internal Revenue Service, Stop 100D AUS, 300 E. 8th Street, Austin, Texas 78701

District Director, Internal Revenue Service, 3223 Briarpark, Houston, Texas 77042

District Director, Internal Revenue Service, 308 W. 21st Street, Cheyenne, Wyoming 82001

District Director, Internal Revenue Service, Stop 1000 DAL, 1100 Commerce Street, Dallas, Texas 75242

District Director, Internal Revenue Service, 1050 17th Street, Denver, Colorado 80265

District Director, Internal Revenue Service, 2120 N. Central Avenue, Phoenix, Arizona 85004

District Director, Internal Revenue Service, 465 S. Fourth East Street, Salt Lake City, Utah 84111

District Director, Internal Revenue Service, 200 NW. Fourth Street, Oklahoma City, Oklahoma 73102

District Director, Internal Revenue Service, 412 S. Main Street, Wichita, Kansas 67202

District Director, Internal Revenue Service Center, Southwest Region, 3651 S. Interregional Highway, Austin, Texas 73301

District Director, Internal Revenue Service Center, Western Region, 1160 W. 1200 South Street, Ogden, Utah 84201

Western Region:

Regional Commissioner, Internal Revenue Service, Room 511, 1650 Mission Street, San Francisco, California 94103

District Director, Internal Revenue Service, 949 East 36th Avenue, Anchorage, Alaska 99508

District Director, Internal Revenue Service, Box 041, 550 W. Fort Street, Boise, Idaho 83724

District Director, Internal Revenue Service, PJKK Federal Bldg. 300 Ala Moana, Honolulu, Hawaii 96850

District Director, Internal Revenue Service, 2400 Avila Road, Laguna Niguel, California 92677

District Director, Internal Revenue Service, 300 N. Los Angeles Street, Los Angeles, California 90012

District Director, Internal Revenue Service, 1220 S.W. Third Avenue, Portland, Oregon 97204

District Director, Internal Revenue Service, 300 Las Vegas Blvd., South Las Vegas, Nevada 89101

District Director, Internal Revenue Service, 235 Fair Oaks Blvd., Sacramento, California 95825

District Director, Internal Revenue Service, Box 36020, 450 Golden Gate Avenue, San Francisco, CA 94102

District Director, Internal Revenue Service, 55 S. Market Street, San Jose, CA 95113

District Director, Internal Revenue Service, 915 Second Avenue, Seattle, Washington, 98174

District Director, Internal Revenue Service, Western Region, 5045 E. Butler Avenue, Fresno, California 93727

# ADDRESSES OF CHIEF COUNSEL, REGIONAL COUNSEL, DISTRICT COUNSEL, AND REGIONAL DIRECTOR OF APPEALS OFFICES

## National Office:

Appeals Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224

Operations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Criminal Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Disclosure Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

General Legal Services Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

General Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Interpretative Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Employee Plans and Exempt Organizations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Tax Litigation Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Corporation Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Individual Tax Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

Chief, Counsel, (Policy and Legal Programs) and (Management and Operations) Deputy Chief Counsels and (Technical and International) Associate Chief Counsels

(Litigation) Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, DC 20224

## Regional Counsel Offices

### North-Atlantic Region:

Regional Counsel's Office, IRS, North-Atlantic Region, 26 Federal Plaza, 12th Floor, New York, New York 10278

### District Counsel Offices

District Counsel's Office, IRS, 26 Federal Plaza, 12th Floor, New York, New York 10278

District Counsel's Office, IRS, Leo W. O'Brien Federal Building, Clinton Avenue and N. Pearl Street, Albany, New York 12207

District Counsel's Office, IRS, 100 Summer Street, Room 1728, Boston, Massachusetts 02110

District Counsel's Office, IRS Brooklyn Office, 1000 Uniondale Avenue and Hempstead Turnpike, Uniondale, New York 11553

District Counsel's Office, IRS, 28 Church Street, Guaranty Building, Suite 500, Buffalo, New York 14202

District Counsel's Office, IRS, 135 High Street, Room 259, Hartford, Connecticut 06103

Regional Director of Appeals, 90 Church Street, New York, New York 10007

Mid Atlantic Region:

Regional Counsel Office

Regional Counsel's Office, IRS, Mid-Atlantic Region, 841 Chestnut Street, Room 360, Philadelphia, Pennsylvania 19107

District Counsel Offices

District Counsel's Office, IRS, Room 10424, 600 Arch Street, Philadelphia, Pennsylvania 19106

District Counsel's Office, IRS, Room 4100, 101 W. Lombard Street, Baltimore, Maryland 21202

District Counsel's Office, IRS, Room 904, 970 Broad Street, Newark, New Jersey 07102

District Counsel's Office, IRS, 726 Federal Building, Room 726, 1000 Liberty Avenue, Pittsburgh, Pennsylvania 15222

District Counsel's Office, IRS, Room 5215, Federal Building, 400 N. Eighth Street, Richmond, Virginia 23240

District Counsel's Office, IRS, 422 Universal Building, North, 1875 Connecticut Avenue, NW., Washington, DC 20009

Regional Director of Appeals, Room 360, 841 Chestnut Street, Philadelphia, Pennsylvania 19107

Southeast Region:

Regional Counsel Office

Regional Counsel's Office, IRS, Southeast Region, Room 830, 275 Peachtree Street, NE., Atlanta, Georgia 30043

District Counsel Offices

District Counsel's Office, IRS, Room 850, 275 Peachtree Street, NE., Atlanta, Georgia 30043

District Counsel's Office, IRS, Room 340, 500 22nd Street, South, Birmingham, Alabama 35233



District Counsel's Office, IRS, Room 509, 320 Federal Place, Greensboro, North Carolina 27401

District Counsel's Office, IRS, Box 35027, Federal Office Building, 400 West Bay Street, Room 564, Jacksonville, Florida 32202

District Counsel's Office, IRS, Room 1502, Federal Office Building, 51 SW First Avenue, Miami, Florida 33130

District Counsel's Office, IRS, Room 703, 801 Broadway, Nashville, Tennessee 37203

District Counsel's Office, IRS, Stop 18, Room 917, 500 Camp Street, New Orleans, Louisiana 70130

Regional Director of Appeals, 625 Federal Office Building, 275 Peachtree Street, NE., Atlanta, Georgia 30043

#### Central Region:

##### Regional Counsel Office

Regional Counsel's Office, IRS, Room 7510, 550 Main Street, Cincinnati, Ohio 45202

##### District Counsel Offices

District Counsel's Office, IRS, Room 7525, 550 Main Street, Cincinnati, Ohio 45202

District Counsel's Office, IRS, Suite 810, One Cleveland Center, 1375 E. Ninth St., Cleveland, Ohio 44114

District Counsel's Office, IRS, 1870 McNamara Building, 477 Michigan Avenue, Detroit, Michigan 48226

District Counsel's Office, IRS, 509 Federal Building, 575 N. Pennsylvania Street, Indianapolis, Indiana 46203

District Counsel's Office, IRS, 579 Federal Office Building, 600 Federal Place, Louisville, Kentucky 40202

Regional Director of Appeals, Room 7514, 550 Main Street, Cincinnati, Ohio 45202

#### Midwest Region:

##### Regional Counsel Office

Regional Counsel's Office, IRS, Kluczynski Federal Building, 230 South Dearborn Street, Room 3410, Chicago, Illinois 60604

##### District Counsel Offices

District Counsel's Office, IRS, Room 1342, Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois 60604

District Counsel's Office, IRS, 439 Federal Building, 210 Walnut Street, Des Moines, Iowa 50309

District Counsel's Office, IRS, Room 240, Federal Building, 301 S. Park Avenue, Helena, Montana 59626

District Counsel's Office, IRS, 2700 Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106

District Counsel's Office, IRS, 760 Henry Reuss Federal Plaza, 310 W. Wisconsin Avenue, Milwaukee, Wisconsin 53203

District Counsel's Office, IRS, 3101 Federal Building, 215 N. Seventeenth Street, Omaha, Nebraska 68102

District Counsel's Office, IRS, Room 720, 320 W. Washington, Street, Springfield, Illinois 62701

District Counsel's Office, IRS, (3rd Floor), Chouteau Center Building, 133 S. Eleventh Street, St. Louis, Missouri 63102

District Counsel's Office, IRS, 572 Federal Building and U.S. Courthouse, 316 N. Robert Street, St. Paul, Minnesota 55101

Regional Director of Appeals, 230 S. Dearborn Street, Room 3280, Chicago, Illinois 60604

#### Southwest Region:

##### Regional Counsel Office

Regional Counsel's Office, IRS, Southwest Region, LB-81, Stop 2000 SWR, 7839 Churchill Way, Dallas, Texas 75251

##### District Counsel Offices

District Counsel's Office, IRS, Room 12A24, Stop 2000 DAL, 1100 Commerce Street, Dallas, Texas 75242

District Counsel's Office, IRS, 20th Floor, Seventeen Street, Denver, Colorado 80265

District Counsel's Office, IRS, Suite 350, 10650 Richmond Avenue, Houston, Texas 77042-4775

District Counsel's Office, IRS, 4010 Courthouse, 200 NW., Fourth Street, Oklahoma City, Oklahoma 73102

District Counsel's Office, IRS, Room 784, Stop 2000 AUS, 300 E. 8th Street, Austin, Texas 78701

District Counsel's Office, Suite 1500, 3225 N. Central Avenue, Phoenix, Arizona 85012

District Counsel, Room 13121, 125 S. State Street, Salt Lake City, Utah 84138

Regional Director of Appeals, LB-70, Stop 80000 SWR, 7839 Churchill Way, Dallas, Texas 75251

#### Western Region:

##### Regional Counsel Office

Regional Counsel's Office, IRS, Western Region, 5th Floor, 1650 Mission Street, San Francisco, California 94103

##### District Counsel Offices

District Counsel's Office, IRS, 84 W. Santa Clara Street, Room 300, San Jose, CA 95113

District Counsel's Office, IRS, Room 607, 949 E. 36th Avenue, Anchorage, Alaska 99508

District Counsel's Office, Box 024, 550 W. Fort Street, Boise, Idaho 83724

District Counsel's Office, P.O. Box C-15, Laguna Niguel, California 92677

District Counsel's Office, IRS, 3018 Federal Building, 300 N. Los Angeles Street, Los Angeles, California 90012

District Counsel's Office, IRS, 810 Crown Plaza, 1500 S.W. First Avenue, Portland, Oregon 97201

District Counsel's Office, IRS, 550 E. Charleston Boulevard, Las Vegas, Nevada 89104

District Counsel's Office, IRS, Room 2n16, U.S. Courthouse, 940 Front Street, San Diego, California 92189

District Counsel's Office, IRS, Room 504, 160 Spear Street, San Francisco, California 94105

District Counsel's Office, IRS, 2710 Federal Building, 915 Second Avenue, Seattle, Washington 98174

District Counsel's Office, IRS, 7119 PJKK Federal Building, 300 Ala Moana, Honolulu, HI 96850

Regional Director of Appeals, 5th Floor, 1650 Mission Street, San Francisco, CA 94103

#### Treasury/United States Mint .003

##### SYSTEM NAME:

Cash Receivable Accounting Information System—Treasury/United States Mint.

##### SYSTEM LOCATION:

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; United States Mint, Independence Mall, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Bullion Depository, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

##### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and former employees of the United States Mint and the general public who have: (a) Served on jury duty when employed by the United States Mint; (b) Paid for lost Government property belonging to the Mint; (c) Purchased numismatic items from Mint sales outlets; and (d) Have obtained travel advances.

##### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Receivables due from U.S. Mint employees and former employees who have served on jury duty or received witness fees; (2) Receivables due from Mint employees, former employees and general public for lost Government property, assay sample work and cash sales of over-the-counter numismatic items; and (3) Receivables due from Mint employees and former employees who have outstanding travel advances.

##### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5537 and 31 U.S.C. 5111(a)(3).

##### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to



the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents.

**RETRIEVABILITY:**

Name or number substitute:

**SAFEGUARDS:**

Storage in filing cabinets with access by authorized accounting personnel.

**RETENTION AND DISPOSAL:**

General records control schedule, GAO rules and regulations, United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Financial Manager, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; Budget and Accounting Officer, United States Mint, Independence Mall, Philadelphia, PA 19106; Budget and Accounting Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Budget and Accounting Officer, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Chief, Accounting Division, United States Bullion Depository, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as: (a) Employee identification; (b) Driver's license; (c) Other means of identification, including social security number and date of birth.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

U.S. Mint employees and appropriate agency officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .005

**SYSTEM NAME:**

Current Employee Security Identification Record—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; United States Mint, Independence Mall, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Bullion Depository, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current United States Mint employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Security information system is used to verify proper admittance to restricted areas within the Mint facilities. The card record (Mint Form 8925) provides the name of the employee, date and place of birth, descriptive data on height, weight, hair and eyes; office and division in which employed; along with photograph and signature of the employee. The record also indicates approval by facility management for the issuance of personal identification to the employee, which is subsequently carried by the employee.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

40 U.S.C. 318-318c.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Record is 5" x 8" card filed in Kardex Binder or circular-type index system.

**RETRIEVABILITY:**

Alphabetical by name.

**SAFEGUARDS:**

Maintained in secure area by security officers.



**RETENTION AND DISPOSAL:**

Records are retained until separation of the employee and are destroyed upon termination in accordance with National Archives and Records Administration rules and regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Security Officer (Coordinator), Treasury Department, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; Security Officer (Facility Manager), United States Mint, Independence Mall, Philadelphia, PA 19106; Security Officer (Facility Manager), United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Security Officer (Facility Manager), United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Security Officer (Facility Manager), United States Bullion Depository, West Point, NY 10996; Security Officer (Facility Manager), United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. An employee is free to examine his card record upon request, after properly identifying himself as the subject of record. The following are used as proof of identity: (a) Employee identification; (b) Driver's license; and (c) Other acceptable identifying documents.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

Personal information provided by the employee and identification approval by management staff.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .006

**SYSTEM NAME:**

Employee and Former Employee Travel and Training Accounting Information System—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; United States

Mint, Independence Mall, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Bullion Depository, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and former employees of the United States Mint who have engaged in travel and training.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(1) SF 1166 Voucher and Schedule of Payments with supporting documents such as: (a) SF 1012 Travel Voucher; (b) SF 1028 Application and Account for Advance of Funds; (2) Travel Authorities; (3) Government Travel Request SF 1169; (4) Request, Authorization, Agreement and Certification of Training.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. Chapters 41 and 57.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions

relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents.

**RETRIEVABILITY:**

Name or number substitute.

**SAFEGUARDS:**

Stored in filing cabinets with access by authorized accounting personnel.

**RETENTION AND DISPOSAL:**

General Records Control Schedule, GAO rules and regulations, United States Mint Records Control Schedule are destroyed in accordance with National Archives and Records Administration regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Financial Manager, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; Budget and Accounting Officer, United States Mint, Independence Mall, Philadelphia, PA 19106; Budget and Accounting Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Budget and Accounting Officer, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Chief, Accounting Division, United States Bullion Depository, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as: (a) Employee identification; (b) Driver's license; and (c) Other means of identification including social security number and date of birth.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Program Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.



**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

United States Mint employees and appropriate agency officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .007

**SYSTEM NAME:**

Employees, Former Employees and Members of the Public, Occupational Safety and Health, Accident and Injury Records, and Claims for Injuries or Damage Compensation Records—Treasury/United States Mint.

**SYSTEM LOCATION:**

Location and Category of Records Maintained: United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220—Accident/Injury/Illness Records, Vehicle Accident, and Claims against the Government; United States Mint, Independence Mall, Philadelphia, PA 19106—Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Training/Licensing; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Licensing; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims against the Government, Safety Equipment Logs, and Operators Training/Licensing; United States Bullion Depository, West Point, NY 10996; Accident/Injury/Illness Records, Health Records, Motor Vehicle Accident Data, Claims against the Government, and Safety Equipment Logs; United States Bullion Depository, Fort Knox, KY 40121; Accident/Injury/Illness Records, Motor Vehicle Accident Data, and Claims against the Government.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

United States Mint employees, former employees and members of the public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Refer to System location.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

29 U.S.C. 668; E.O. 11807, 28 U.S.C. 2680 *et seq.*; 31 U.S.C. 3701 and 3721; and 31 CFR Parts 3 and 4.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Locked containers in Safety Health Office available to authorized personnel only.

**RETENTION AND DISPOSAL:**

Records are retained in accordance with General Records Control Schedules, and United States Mint Records Control Schedules; are

destroyed in accordance with National Archives and Records Administration rules and regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, OSHA/EPA Staff, Treasury Department, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; Safety Officer, United States Mint, Independence Mall, Philadelphia, PA 19106; Safety Manager, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Safety Manager, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Security/Safety Officer, United States Bullion Depository, West Point, NY 10996; Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. An employee or former employee is required to show an identification such as: (a) Employee identification; (b) Driver's license; and (c) Other means of identification, including social security number and date of birth.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

Employees, supervisors, medical staff, general public, and visitors to the facilities of the United States Mint.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .009

**SYSTEM NAME:**

Employee-Supervisor Performance, Evaluation, Counseling and Time and Attendance Records—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; United States Mint, Independence Mall, Philadelphia,



PA 19106; United States Bullion Depository, Fort Knox, KY 40121; and United States Mint, Matland Building, 10001 Aerospace Road, Lanham, MD 20706.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

United States Mint employees and former employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Information necessary for managers and supervisors to effectively carry out supervisory responsibilities. Included are such records as: Copies of personnel actions, performance appraisal including production and control, disciplinary actions, overtime reports, tardiness reports, work assignments, training reports, applications for employment, home addresses, leave reports, employee awards. (Supervisors maintain varying combinations of the above records. Some supervisors may maintain all or none of the above records depending upon the nature and size of the operation or organization and the number of individuals supervised.)

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 301 and FPM Supplement 990-1, Section 3.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to

an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents maintained in folders.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Stored in file cabinets and desks of supervisors.

**RETENTION AND DISPOSAL:**

Retained as long as employee is under their supervision.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate and Assistant Directors and Director's Staff, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220, and Matland Building, 10001 Aerospace Road, Lanham, MD 20706; Superintendent, United States Mint, Independence Mall, Philadelphia, PA 19106; Superintendent, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Officer-in-Charge, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Officer-in-Charge, United States Bullion Depository, West Point, NY 10996; Officer-in-Charge, United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. Employee or former employee is required to show identification such as: identification card, driver's license.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

Employees, previous employers, and appropriate agency officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .010

**SYSTEM NAME:**

Examination reports of coins forwarded to Mint from U.S. Secret Service—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals from whom U.S. Secret Service has seized coins suspected to be counterfeit or fraudulently altered.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Reports prepared for U.S. Secret Service regarding the examination of the questioned coin or coins by United States Mint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 331, 485, 486, 489, 490, and 491.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal



or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Files are kept in locked metal file cabinets in areas accessible only to authorized agency officials.

**RETENTION AND DISPOSAL:**

Retained in accordance with United States Mint Records Control Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director for Technology, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

United States Secret Service.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

As authorized by 5 U.S.C. 552a (j) and (k), this system is exempt from the following provisions: subsections (c)(3), (d), (e)(1), (e)(4) (G), (h) and (I) and (f) of 5 U.S.C. 552a.

**Treasury/United States Mint .011**

**SYSTEM NAME:**

General Correspondence—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square, 633 3rd Street, NW., Washington, DC 20220 and Matland Building, 10001 Aerospace Road, Lanham, MD 20706.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the public, Members of Congress, and officials from other Federal agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Incoming correspondence and replies pertaining to the mission, function and operation of the United States Mint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 5131 and 5132.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives

under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Paper documents.

**RETRIEVABILITY:**

By name of correspondent.

**SAFEGUARDS:**

Maintained in limited access area available only to appropriate agency officials.

**RETENTION AND DISPOSAL:**

In accordance with the National Archives and Records Administration's General Records Control Schedule and the United States Mint Records Control Schedule. Destroyed in accordance with National Archives and Records Administration regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Refer to System Manager for addresses to which inquiries may be addressed and addresses at which the individual may present a request as to whether a system contains records pertaining to himself/herself. The individual must supply his/her name.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

The general public, Members of Congress and Federal officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/United States Mint .012**

**SYSTEM NAME:**

Criminal Investigations Files—Treasury/Mint.



**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Mint employees and members of the public suspected of criminal misconduct against the United States Mint.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Name of individual, location of Mint facility, and reports by security personnel of the U.S. Mint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 18 U.S.C.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents.

**RETRIEVABILITY:**

By name.

**SAFEGUARDS:**

Files are kept in a locked metal file cabinet in an area accessible to authorized agency officials.

**RETENTION AND DISPOSAL:**

Retained in accordance with United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration rules and regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Mint Security Office, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**NOTIFICATION PROCEDURES:**

Refer to System manager(s) and address.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following officials: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

United States Mint and other law enforcement officials.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

As authorized by 5 U.S.C. 552a (j) and (k), this system is exempt from the following provisions, subsections (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I) and (f) of 5 U.S.C. 552a.

Treasury/United States Mint .013

**SYSTEM NAME:**

Numismatic Coin Operations System (NUCOS) Records; Customer Mailing List, Order Processing Record for Coin Sets, Medals and Numismatic Items, and records of undelivered orders—Treasury/Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220 and Matland Building, 10001 Aerospace Road, Lanham, MD 20706.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Members of the public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Names, addresses, order history of customers purchasing numismatic items and of individuals who wish to receive notification of numismatic offerings by the Mint.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 5111, 5112, 5132 and 31 CFR Part 92.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114; (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Magnetic tape, discs, paper and cards:

**RETRIEVABILITY:**

Name, customer number or order number.

**SAFEGUARDS:**

CRT, password protection; only designated persons may request computer generated reports. Access to any information pertaining to any individual is limited to only those individuals requiring the information to accommodate handling of transactions with the customers. Separation of functions; source documents maintained in one division and programming systems in another.

**RETENTION AND DISPOSAL:**

In accordance with the National Archives and Records Administration General Records Control Schedule and the United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration regulations. Order cards are retained two weeks then shredded; reports are retained three months then shredded. Customer names and addresses are maintained as long as they are active.

**SYSTEM MANAGER(S) AND ADDRESS:**

Associate Director for Marketing, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. Individuals should supply order number as provided on order card or copy of both sides of cancelled check; customer number which appears on pre-punched order cards or on face of check.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

Members of the public and appropriate government officials.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/United States Mint .014****SYSTEM NAME:**

Purchases, Sales, Exchange and Assays of Precious Metals—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; United States Mint, Independence Mall, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Bullion Depository, West Point, NY 10996.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

General public and Government agencies who had precious metal transactions with the United States Mint.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Bar schedules, deposit tickets, reports on special assays, records of sales and purchases of previous metals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 5116, 5121, 5122, 5131, 5132 and 31 CFR Parts 90 and 92.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f)

To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents and computer magnetic tapes:

**RETRIEVABILITY:**

Name or assay number.

**SAFEGUARDS:**

Metal file cabinet with locks and secured area available to authorized personnel only.

**RETENTION AND DISPOSAL:**

United States Mint Records Control Schedule.

**SYSTEM MANAGER(S) AND ADDRESS:**

Financial Manager, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220; Budget and Accounting Officer, United States Mint, Independence Mall, Philadelphia, PA 19106; Budget and Accounting Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204; Budget and Accounting Officer, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; Chief, Accounting Division, United States Bullion Depository, West Point, NY 10996.

**NOTIFICATION PROCEDURE:**

Refer to System manager(s) and address. Member of the general public or Government agency is required to produce proper identification to satisfy the System Manager.

**RECORD ACCESS PROCEDURES:**

For information on procedures for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.



**RECORD SOURCE CATEGORIES:**

General public; agency officials; and other Federal agencies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .015

**SYSTEM NAME:**

Redemption of Uncurrent or Mutilated Coins—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Independence Mall, Philadelphia, PA 19106.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

General public, financial institutions, and other Government agencies.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records of names, addresses and reference numbers pertaining to those submitting mutilated or uncurrent coins for exchange.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 5120 and 31 CFR Part 100.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance

with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Paper documents.

**RETRIEVABILITY:**

By name or reference number.

**SAFEGUARDS:**

Metal file cabinet with lock.

**RETENTION AND DISPOSAL:**

Retained in accordance with United States Mint Records Control Schedule; are destroyed in accordance with National Archives and Records Administration rules and regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

Budget and Accounting Officer, United States Mint, Independence Mall, Philadelphia, PA 19106.

**NOTIFICATION PROCEDURE:**

Refer to System Manager(s) and address. Individual is required to supply name and if available, reference and/or settlement number.

**RECORD ACCESS PROCEDURES:**

For information on procedure for gaining access to and contesting records, individuals may contact the following official: Chief, Administrative Programs Division, United States Mint, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

General public, Financial institutions, and other Government agencies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/United States Mint .016

**SYSTEM NAME:**

Grievances, Union/Agency Negotiated—Treasury/United States Mint.

**SYSTEM LOCATION:**

United States Mint, Judiciary Square Building, 633 3rd Street, NW.,

Washington, DC 20220; United States Mint, Independence Mall, Philadelphia, PA 19106; United States Mint, 320 West Colfax Avenue, Denver, CO 80204; United States Assay Office, 155 Hermann Street, San Francisco, CA 94102; United States Bullion Depository, West Point, NY 10996; United States Bullion Depository, Fort Knox, KY 40121.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees and former employees of the United States Mint.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

This system of records contains information or documents relating to employee grievances filed under provisions of negotiated grievance procedures, including decision of appropriate third parties where applicable.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Orders 11491, 11616, 11636, and 11838; negotiated agreements between the United States Mint and exclusively recognized labor unions.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

These records and information in the records may be used to disclose information: (a) To accounting offices, managers, supervisors and government officials pertaining to cash receivables and debts owed the Government; (b) To appropriate Federal, state, local, or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (c) To a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (d) To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations, in response to a subpoena, or in connection with criminal law proceedings; (e) To foreign governments in accordance with formal or informal international agreements; (f) To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (g) To the news media in accordance



with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (h) To unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114. (i) To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

These records are maintained in file folders or binders.

**RETRIEVABILITY:**

These records are filed by the names of the individuals on whom they are maintained or by the subject of the grievance.

**SAFEGUARDS:**

Access to and use of these records are limited to those agency officials whose official duties require such access.

**RETENTION AND DISPOSAL:**

Retained in accordance with the United States Mint Records Control Schedules; are destroyed in accordance with National Archives and Records Administration rules and regulations.

**SYSTEM MANAGER(S) AND ADDRESS:**

For current and former employees: Personnel Officer, United States Mint, Department of the Treasury, Judiciary Square Building, 633 3rd Street, NW., Washington, DC 20220. Personnel Officer United States Mint, Independence Mall, Philadelphia, PA 19106. Personnel Officer, United States Mint, 320 West Colfax Avenue, Denver, CO 80204. Personnel Officer, United States Assay Office, 155 Hermann Street, San Francisco, CA 94102. Administrative Officer, United States Bullion Depository, West Point, NY 10996. Administrative Officer, United States Bullion Depository, Fort Knox, KY 40121.

**NOTIFICATION PROCEDURE:**

Individuals who have filed a grievance are aware of that fact and have been provided a copy of the record. They may, however, contact the Personnel Officer indicated above regarding the existence of such records pertaining to them. It is necessary to furnish information sufficient to verify the identity of the requester such as full name, date of birth, a brief description of the grievance and the approximate date of submission.

**RECORD ACCESS PROCEDURES:**

Individuals who have filed a grievance about a decision or determination made by an agency or about conditions existing in an agency already have been provided a copy of the record. The contest, amendment, or correction of a grievance record is permitted during the prosecution of the grievance to whom the record pertains. However, after a grievance case has been closed, an individual may gain access to, or contest the official copy of the grievance record by writing the appropriate Personnel Officer indicated above. Individuals should provide their name, date of birth, a brief description of the grievance and the approximate date of submission.

**CONTESTING RECORD PROCEDURES:**

Refer to Record access procedures.

**RECORD SOURCE CATEGORIES:**

The sources of these records are as follows: (a) Individual to whom the record pertains; (b) Agency officials; (c) Affidavits or statements from employee(s); (d) Testimonies of witnesses; (e) Official documents and correspondence relating to the grievance.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/BPD .001**

**SYSTEM NAME:**

Personnel and Administrative Records—Treasury/BPD.

**SYSTEM LOCATION:**

Bureau of the Public Debt: Washington, DC; Parkersburg, WV; Ravenswood, WV. Federal Records Center: St. Louis, MO.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Past, present, and prospective employees.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

All personnel records not mentioned in this system, but maintained at the Bureau, are considered to belong to the Office of Personnel Management and will be reported by that agency. (1) Personnel Folders (Temporary side): Contain the following types of records or information apart from official records, but which may duplicate or supplement official records: Pre-employment records and vouchers; orientation records; requests for personnel action; requests for training; performance evaluation records; letters of reference; debt correspondence; correspondence between an employee

and the personnel office; disciplinary action papers; duplicate copies of personnel actions; payroll, leave, and retirement benefits data; compensation forms and reports relating hereto; tax check records; reduction-in-force data; requests for outside employment; merit promotion applications; and credit and employment verification. (2) Locator File: Contains the employee's office and home address and telephone numbers, emergency notification information, and indication of permission or denial to disclose this information upon inquiry. (3) Applications for Employment File: Contains inquiries concerning employment, applicants' résumés, and correspondence. (4) Career Development Program for Lower Level Employees (CADE) Files: Contain, but are not limited to, all pertinent information, such as applications, vouchers, correspondence, developmental plans, and appraisal forms of candidates for the program. (5) Security Investigation Files: Contain background information and the results of investigations conducted by Internal Revenue Service, U.S. Secret Service, or other federal agencies, on Bureau attorneys and certain other employees. (6) Awards Case Files: Contain reports and background data concerning awards for employees. (7) Informal Equal Employment Opportunity Complaint Files: Contain records of informal EEO complaints and discussions thereon which have not reached the level of formal complaints. (8) Administrative Grievance Files: Contain informal or formal grievance complaints and background documentation. (9) General Correspondence Files: contain inquiry and reply letters and documentation concerning general administrative, policy, transactional, and personnel matters. (10) Union-related Files: Contain formal, informal, contractual, and administrative grievance complaints; background documentation; and reports of union dues participation. (11) Merit Promotion Files: Contain records of competitive promotion actions, including, but not limited to, vacancy announcements, candidates considered, assessments of candidates, and disposition of applications. (12) Exit Interview Files: Contain records of an employee's critique of the Bureau, final interview, and supervisors' recommendations. (13) Suitability Files: Contain information documenting the suitability for employment of prospective and current employees, such as arrest records, National Agency checks, and background information. (14) Budget Files: (a) Employee Travel Records File: Contains travel vouchers,



authorizations, and receipts for travel which an employee performed in connection with official business and which is reimbursable by government funds. (b) Comprehensive Listing of Employee Master File: Contains salary, grade, leave, retirement, health-life insurance, tax, payroll deduction, and other information. (c) Time and Attendance Records: Contain the daily posting of an employee's leave and attendance. (15) Medical Records File: Contains pre-appointment and fitness-for-duty medical reports and records. (16) Employee Relations Files: Contain, but are not limited to, retirement and compensation information. (17) Confidential Financial Statements File: Contains personal financial statements required by certain employees as defined in the Department's Minimum Standards of Conduct. (18) Classification Appeals File: Contains statements and pertinent information relating to the adjudication of an appeal. (19) History of Employment File: Contains service record cards.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title 5 U.S.C.; Federal Personnel Manual; and Executive Order 11478, as amended.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:**

A record or information from a record maintained in this system of records may be disclosed as a routine use: (1) To the Office of Personnel Management or the Merit Systems Protection Board upon authorized request; (2) to other federal agencies for the purpose of their hiring; (3) to other federal agencies, state unemployment agencies, and others when necessary for employee compensation; (4) to contractors of the Department for the purpose of processing personnel and pay records; (5) to creditors or potential creditors to verify debt complaints or employment data; (6) to next-of-kin, voluntary guardians, and other representative or successor in interest of a deceased or incapacitated employee or former employee; (7) to other federal agencies to effect salary or administrative offset for the purpose of collecting a debt; (8) to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service to obtain credit reports; (9) to a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (10) to appropriate Federal, State, local, or foreign agencies responsible for investigating or

prosecuting the violations of, or for enforcing or implementing a statute, rule, regulation, order, or license, where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation; (11) to a Federal, State, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an individual, or issuance of a security clearance, license, contract, grant, or other benefit; (12) to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; (13) to unions recognized as exclusive bargaining representatives under the Civil Service Reform Act of 1978, 5 U.S.C. 7111 and 7114, arbitrators, and other parties responsible for the administration of the federal labor-management program if needed in the performance of their authorized duties; (14) to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; and (15) to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

#### **DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Debt information concerning a Government claim against an employee is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Electronic media, paper, and microform.

##### **RETRIEVABILITY:**

By name or Social Security number.

##### **SAFEGUARDS:**

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied by officers and responsible employees of the Bureau who are subject to the Bureau's personnel screening procedures and to the Treasury Department Code of Conduct. Information stored in

electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

#### **RETENTION AND DISPOSAL:**

Records are maintained in accordance with National Archives and Records Administration (NARA) and OPM retention schedules. All records are destroyed by incineration, maceration, or shredding. Records in electronic media are electronically erased using accepted techniques.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

For administrative records—Commissioner, Bureau of the Public Debt, Washington, DC 20239. For personnel records—Director, Division of Personnel Management, Bureau of the Public Debt, Washington, DC 20239.

#### **NOTIFICATION PROCEDURE:**

Address administrative inquiries and initial requests for correction of records to: Privacy Act Request, Commissioner, Bureau of the Public Debt, Washington, DC 20239, (202) 376-4307. Address personnel inquiries and initial requests for correction of records to: Privacy Act Request, Director, Division of Personnel Management, Bureau of the Public Debt, Washington, DC 20239, (202) 447-1297; or Privacy Act Request, Personnel Officer, Savings Bond Operations Office, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106, (304) 420-6143.

#### **RECORD ACCESS PROCEDURES:**

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

Requests for access to records: (1) A request for access to records should be in writing, signed by the individual concerned, and clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records description. (3) Requests for records concerning a deceased or incapacitated



individual should be accompanied either by evidence of the requester's appointment as legal representative of the estate or the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual. (4) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR Part 1, Subpart C.

Requests for correction of records: (1) A request by an individual for correction of records should be in writing, be signed, and clearly state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) The dates of records in question, (b) the specific records alleged to be incorrect, (c) the correction requested, and (d) the reasons therefor. (3) The request must include any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and clearly state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must also specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that the initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, DC 20239, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

#### CONTESTING RECORD PROCEDURES:

See "Notification Procedure" and "Record Access Procedures."

#### RECORD SOURCE CATEGORIES:

Information on records in the system is furnished by the individuals listed in "Categories of Individuals" or their authorized representatives, by creditors, by supervisors, medical personnel, other

employees, or as the result of security investigations.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Treasury/BPD .002

#### SYSTEM NAME:

United States Savings Type Securities—Treasury/BPD.

#### SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC 20239; Parkersburg, WV 26106; and Ravenswood, WV 26164. Federal Reserve Banks and Branches located at: Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo, NY; Charlotte, NC; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; El Paso, TX; Jacksonville, FL; Helena, MT; Houston, TX; Kansas City, MO; Little Rock, AR; Louisville, KY; Los Angeles, CA; Memphis, TN; Miami, FL; Minneapolis, MN; Nashville, TN; New Orleans, LA; New York, NY; Oklahoma City, OK; Omaha, NE; Philadelphia, PA; Pittsburgh, PA; Portland, OR; Richmond, VA; Salt Lake City, UT; San Antonio, TX; San Francisco, CA; Seattle, WA; and St. Louis, MO. Federal Records Centers located at: Waltham, MA; New York, NY; Bayonne, NJ; Philadelphia, PA; Washington, DC; East Point, GA; Chicago, IL; Dayton, OH; Kansas City, MO; St. Louis, MO; Fort Worth, TX; Denver, CO; San Bruno, CA; Laguna Niguel, CA; and Seattle, WA.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former owners of, claimants to, persons entitled to, and inquirers concerning United States savings-type securities and interest thereon—including, but not limited to, United States Savings Bonds, Savings Notes, Retirement Plan Bonds, and Individual Retirement Bonds.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to registration, issuance, and correspondence in connection with issuance of savings-type securities. (2) Holdings: Records documenting ownership, status, payments by date and account numbers, and inscription information; interest activity; correspondence in connection with notice of change of name and address; non-receipt or over- and underpayments of interest and principal; and numerical registers of ownership. Such records include information relating to savings-type securities held in safekeeping in conjunction with the Department's

program to deliver such securities to the owners or persons entitled. (3) Transactions (redemptions, payments, and reissues): Records, which include securities transaction requests; interest activity; legal papers supporting transactions; applications for disposition or payment of securities and/or interest thereon of deceased or incapacitated owners; records of retired securities; and payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed or mutilated savings-type securities; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning savings-type securities and/or interest thereon.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101 *et seq.* and 5 U.S.C. 301.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A record or information from a record maintained in this system of records may be disclosed as a routine use: (1) To agents or contractors of the Department for the purpose of administering the public debt of the United States; (2) to next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled to the reissue, distribution, or payment for the purpose of assuring equitable and lawful disposition of securities and interest; (3) to either co-owner for bonds registered in that form or to the beneficiary for bonds registered in that form, provided that acceptable proof of death of the owner is submitted; (4) to the Internal Revenue Service for the purpose of facilitating collection of the tax revenues of the United States; (5) to the Department of Justice in connection with lawsuits to which the Department of the Treasury is a party or to trustees in bankruptcy for the purpose of carrying out their duties; (6) to the Veterans Administration and selected veterans publications for the purpose of locating owners or other persons entitled to undeliverable bonds held in safekeeping by the Department; (7) to other federal agencies to effect salary or administrative offset for the purpose of collecting debts; (8) to a consumer reporting agency, including mailing addresses obtained from the Internal Revenue Service, to obtain credit reports; (9) to a debt collection agency, including mailing addresses obtained



from the Internal Revenue Service, for debt collection services; (10) to contractors conducting Treasury-sponsored surveys, polls, or statistical analyses relating to the marketing or administration of the public debt of the United States; (11) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (12) to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in response to a subpoena; and (13) to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains.

#### **DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Debtor information is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records in this system are stored in their original form in file cabinets, as information in electronic media, or on microform.

##### **RETRIEVABILITY:**

Information can be retrieved alphabetically by name, bond serial numbers, or, in some cases, numerically by social security number. In the case of securities, except Series G savings bonds, registered in more than one name, information relating thereto can only be retrieved by the name, or, in some cases, the social security number of the first-named co-owner.

##### **SAFEGUARDS:**

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied either by officers and responsible employees of the Department who are subject to personnel screening procedures and to the Treasury Department Code of Conduct or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable

to retrieve information in meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures.

#### **RETENTION AND DISPOSAL:**

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue are maintained for such time as is necessary to protect the legal rights and interests of the United States Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Administration (NARA). All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Commissioner, Bureau of the Public Debt, Washington, DC 20239.

#### **NOTIFICATION PROCEDURE:**

Address inquiries and initial requests for correction of records to: Privacy Act Request, Assistant Commissioner, Savings Bond Operations Office, Bureau of the Public Debt, Parkersburg, WV 26106, (304) 420-6402. Inquiries should include the full name, social security number, address, and security serial number(s), if known.

#### **RECORD ACCESS PROCEDURES:**

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

Requests for access to records: (1) A request for access to records must be in writing, signed by the individual concerned, clearly indicate that the request is made pursuant to the Privacy Act of 1974. The Bureau reserves the right to require additional verification of an individual's identity. (2) The request must specify the Bureau system of records within which the desired records are located as well as the categories of records within the system. These categories are set out in the applicable system of records

description. (3) In the case of requests for information concerning holdings of securities, the type of security involved (e.g., Series E and EE savings bonds, Series H and HH savings bonds, savings notes, retirement plan bonds) must be specified. Additionally, the request should, to the extent possible, specify: the approximate date of issue, serial number(s), exact form of registration, social security number and address. Requests which do not furnish all or some of the above information will be complied with to the extent possible, but may be subject to the requirement that additional identifying evidence be furnished. (4) Requests for information concerning records of holdings of securities, except Series G savings bonds registered in co-ownership form, must be accompanied by the name and, wherever possible, the social security number of the first-named co-owner. Requests for information concerning securities registered in beneficiary form must also be accompanied by the name and social security number of the owner thereof and, if made by the beneficiary, must be accompanied by proof of death of the registered owner. (5) Requests for records of holdings or other information concerning a deceased or incapacitated individual should be accompanied either by evidence of the requester's appointment as legal representative of the estate or the individual or by a statement attesting that no such representative has been appointed and giving the nature of the relationship between the requester and the individual. (6) The request must state whether the requester wishes to be notified that the record exists or desires to inspect or obtain a copy of the record. If a copy of the record is desired, the requester must agree to pay the fees for copying the documents in accordance with 31 CFR Part 1, Subpart C.

Requests for correction of records: (1) A request by an individual for correction of records should be in writing, be signed, and clearly state that the request is made pursuant to the Privacy Act of 1974. (2) The request for correction should specify: (a) The dates of the prior correspondence with the Bureau concerning the records in question; (b) the specific records alleged to be incorrect; (c) the correction requested; and (d) the reasons therefor. (3) The request must include any available evidence in support of the request.

Appeals from an initial denial of a request for correction of records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual



involved and clearly state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) The records to which the appeal relates, (b) the date of the initial request made for correction of the records, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the Commissioner, Bureau of the Public Debt, Washington, DC 20239, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

#### CONTESTING RECORD PROCEDURES:

See "Notification Procedure" and "Record Access Procedures."

#### RECORD SOURCE CATEGORIES:

Information on records in this system is furnished by the individuals or their authorized representatives as listed in "Categories of Individuals" and issuing agents for securities or is generated within the system itself.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Treasury/BPD .003

#### SYSTEM NAME:

United States Securities (Other than Savings Type Securities)—Treasury/BPD.

#### SYSTEM LOCATION:

Bureau of the Public Debt: Washington, DC 20239; Parkersburg, WV 26106; and Ravenswood, WV 26164; Federal Reserve Banks and Branches located at: Atlanta, GA; Baltimore, MD; Birmingham, AL; Boston, MA; Buffalo, NY; Charlotte, NC; Chicago, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Denver, CO; Detroit, MI; El Paso, TX; Jacksonville, FL; Helena, MT; Houston, TX; Kansas City, MO; Little Rock, AR; Louisville, KY; Los Angeles, CA; Memphis, TN; Miami, FL; Minneapolis, MN; Nashville, TN; New Orleans, LA; New York, NY; Oklahoma City, OK; Omaha, NE; Philadelphia, PA; Pittsburgh, PA; Portland, OR; Richmond, VA; Salt Lake City, UT; San Antonio, TX; San Francisco, CA; Seattle, WA; and St. Louis, MO. Federal Records Centers located at: Waltham, MA; New York, NY; Bayonne, NJ; Philadelphia,

PA; Washington, DC; East Point, GA; Chicago, IL; Dayton, OH; Kansas City, MO; St. Louis, MO; Fort Worth, TX; Denver, CO; San Bruno, CA; Laguna Niguel, CA; and Seattle, WA.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former owners of, subscribers to, claimants to, persons entitled to, and inquirers concerning United States Treasury securities (except savings-type securities) and interest thereon and such securities for which the Treasury acts as agent including, but not limited to, Treasury Bonds, Notes and Bills; Adjusted Service Bonds; Armed Forces Leave Bonds; and Federal Housing Administration Debentures.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(1) Issuance: Records relating to tenders, bids, subscriptions, advices of shipment, requests (applications) for original issue, and correspondence concerning erroneous issue and nonreceipt of securities. (2) Holdings: Records of ownership and interest activity on registered or recorded United States securities (other than savings-type securities); change of name and address notices; correspondence concerning errors in registration or recordation; nonreceipt or over and underpayments of interest and principal; records of interest activity; records of unclaimed accounts; and letters concerning the New York State tax exemption for veterans of World War I. (3) Transactions (redemptions, payments, reissues, transfers, and exchanges): Records which include securities transaction requests; legal papers supporting transactions; applications for transfer, disposition, or payment of securities of deceased or incompetent owners; records of Federal estate tax transactions; certificates of ownership covering paid overdue bearer securities; records of erroneous redemption transactions; records of retired securities; and payment records. (4) Claims: Records including correspondence concerning lost, stolen, destroyed, or mutilated United States securities (other than savings-type securities) or securities for which the Treasury acts as agent and interest coupons thereon; bonds of indemnity; legal documents supporting claims for relief; and records of caveats entered. (5) Inquiries: Records of correspondence with individuals who have requested information concerning United States Treasury securities (other than savings-type securities) or securities for which the Treasury acts as agent. (6) All the above categories of records except "(4)

Claims" include records of Treasury Bills, notes, and bonds in the TREASURY DIRECT Book-entry Securities System.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. 3101 *et seq.* and 5 U.S.C. 301.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

A record or information from a record maintained in this system of records may be disclosed as a routine use: (1) To agents or contractors of the Department for the purpose of administering the public debt of the United States; (2) to next-of-kin, voluntary guardian, legal representative or successor in interest of a deceased or incapacitated owner of securities and others entitled upon transfer, exchange, distribution, or payment for the purpose of assuring equitable and lawful disposition of securities and interest; (3) to any of the owners if the related securities are registered or recorded in the names of two or more owners; (4) to the Internal Revenue Service for the purpose of facilitating the collection of the tax revenues of the United States; (5) to the Department of Justice in connection with lawsuits to which the Department of the Treasury is a party or to trustees in bankruptcy for the purpose of carrying out their duties; (6) to the Veterans Administration when it relates to the holdings of Armed Forces Leave Bonds to facilitate the redemption or disposition of these securities; (7) to other federal agencies to effect salary or administrative offset for the purpose of collecting debts; (8) to a consumer reporting agency, including mailing addresses obtained from Internal Revenue Service, to obtain credit reports; (9) to a debt collection agency, including mailing addresses obtained from the Internal Revenue Service, for debt collection services; (10) to contractors conducting Treasury-sponsored surveys, polls, or statistical analyses relating to marketing or administration of the public debt of the United States; (11) to appropriate Federal, State, local or foreign agencies responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license; (12) to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, or settlement negotiations or in connection with criminal law proceedings or in



response to a subpoena; and (13) to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains. See "Requests for Access to Records" for information furnished to individuals requesting access to records relating to them.

#### **DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Debtor information is also furnished, in accordance with 5 U.S.C. 552a(b)(12) and section 3 of the Debt Collection Act of 1982, to consumer reporting agencies to encourage repayment of an overdue debt.

#### **POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

##### **STORAGE:**

Records in this system are stored in their original form in file cabinets, as information in electronic media, or on microform.

##### **RETRIEVABILITY:**

Information can be retrieved by Social Security or account number, or, in some cases, alphabetically by name or numerically by security serial number. In the case of securities registered in more than one name, information relating thereto can generally only be retrieved by Social Security number or by the name of the first-named owner.

##### **SAFEGUARDS:**

Information is contained in secure buildings, Federal Records Centers, or in areas which are occupied either by officers and responsible employees of the Department who are subject to personnel screening procedures and to the Treasury Department Code of Conduct or by agents of the Department who are required by the Department to maintain proper control over records while in their custody. Additionally, since in most cases, numerous steps are involved in the retrieval process, unauthorized persons would be unable to retrieve information in a meaningful form. Information stored in electronic media is safeguarded by automatic data processing security procedures in addition to physical security measures. Additionally, for those categories of records stored in computers with terminal access, the information cannot be obtained or modified without proper passwords and preauthorized functional capability.

##### **RETENTION AND DISPOSAL:**

Records of holdings, forms, documents, and other legal papers which constitute the basis for transactions subsequent to original issue

are maintained for such time as is necessary to protect the legal rights and interests of the U.S. Government and the persons affected, or otherwise until they are no longer historically significant. Other records are disposed of at varying intervals in accordance with records retention schedules reviewed and approved by the National Archives and Records Administration (NARA). All records are destroyed by shredding, incineration, or maceration. Records in electronic media are electronically erased using accepted techniques.

#### **SYSTEM MANAGER(S) AND ADDRESS:**

Commissioner, Bureau of the Public Debt, Washington, DC 20239.

#### **NOTIFICATION PROCEDURE:**

Individuals may submit their requests for determination if the system contains records pertaining to them or for access to records as provided under "Records access procedures" and "Requests for access to records". Contesting records procedures or requests for correction of records and appeals from an initial denial of a request for correction of records may be submitted as provided under the applicable heading below.

#### **RECORD ACCESS PROCEDURES:**

Individuals who wish to request access to records relating to them or who wish to request correction of records they believe to be in error should submit such requests pursuant to the procedures set out below in compliance with the applicable regulations (31 CFR Part 1, Subpart C). Requests which do not comply fully with these procedures may result in noncompliance with the request, but will be answered to the extent possible.

#### **REQUESTS FOR ACCESS TO RECORDS:**

(1) Request by individuals about securities they own: (a) For Treasury bills, notes, or bonds held in the TREASURY DIRECT Book—entry Securities System: Individuals may contact the nearest Federal Reserve Bank or Branch or the Bureau of the Public Debt as listed in Appendix 1 to this system of records. Individuals should provide sufficient information, including their Social Security number, to identify themselves as owners of securities and sufficient information, including account number, to identify their TREASURY DIRECT account. (b) For all other categories of records in this system or records: Individual owners should contact: Office of the Assistant Commissioner (Securities and Accounting Services), Bureau of the Public Debt, Washington, DC 20239. Requests should contain information to

identify themselves including name, address, and Social Security number; the type of security involved such as a registered note or bond, an Armed Forces Leave Bond, etc.; and, to the extent possible, specify the loan, issue date, denomination, exact form of registration, and other information about the securities. (2) Requests by individuals who are representatives of owners or their estates require appropriate authority papers. Write to: Office of the Assistant Commissioner (Securities and Accounting Services), Bureau of the Public Debt, Washington, DC 20239, to obtain information on these requirements. (3) In all cases: The request for information will be honored only if the identity and right of the requester to the information have been established.

#### **CONTESTING RECORDS PROCEDURES:**

(1) A request by an individual contesting records procedures or for correction of records should be in writing, be signed, and, in order for the Privacy Act procedures to apply, state that the request is made pursuant to the Privacy Act of 1974. (2) The request should specify: (a) The dates of the prior correspondence with the Bureau or a Federal Reserve Bank or Branch concerning the records in question, (b) the specific records involved, (c) the change or correction requested, and (d) the reasons therefor. (3) The request must include any available evidence in support of the request and should be sent to: Assistant Commissioner (Securities and Accounting Services), Bureau of the Public Debt, Washington, DC 20239.

Appeals from an Initial Denial of a Request for Correction of Records: (1) An appeal from an initial denial of a request for correction of records must be in writing, be signed by the individual involved, and, in order for the Privacy Act procedures to apply, state that it is made pursuant to the Privacy Act of 1974. (2) All appeals must, to be handled under the Privacy Act procedures, be delivered to the address set forth for submission of appeals within 35 days of the individual's receipt of the initial denial of the requested correction. (3) All appeals must specify: (a) The records to which the appeal relates, (b) the date the initial request for correction of the records was made, and (c) the date that initial denial of the request for correction was received. (4) All appeals must also specify the reasons for the requester's disagreement with the initial denial of correction and must include any applicable supporting evidence. (5) Appeals should be addressed to the



Commissioner, Bureau of the Public Debt, Washington, DC 20239, or as otherwise provided in the applicable appendix to 31 CFR Part 1, Subpart C.

#### RECORD SOURCE CATEGORIES:

Information contained in records in the system is furnished by the individuals or their authorized representatives as listed in "Categories of Individuals," or is generated within the system itself.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Appendix 1

This appendix lists the places that may be contacted by individuals when inquiring about their securities accounts maintained in TREASURY DIRECT. The initials "FRB" stand for Federal Reserve Bank or Branch and are followed by the name of the city. Where a separate address is required for written requests, it follows the initial entry for the FRB.

FRB Atlanta, 104 Marietta Street, NW., Atlanta, GA 30303, 404-521-8657, P.O. Box 1731, Atlanta, GA 30303  
FRB Baltimore, 502 S. Sharp Street, Baltimore, MD 21201, 301-576-3300, P.O. Box 1378, Baltimore, MD 21201  
FRB Birmingham, 1801 Fifth Avenue, North, Birmingham, AL 35202, 205-252-3141 Ext. 215 or 264, P.O. Box 10447, Birmingham, AL 35202  
FRB Boston, 600 Atlantic Avenue, Boston, MA 02106, 617-973-3805 TREASURY DIRECT, 617-973-3810, P.O. Box 2076, Boston, MA 02106  
FRB Buffalo, 160 Delaware Avenue, Buffalo, NY 14240, 716-849-5046, P.O. Box 961, Buffalo, NY 14240  
FRB Charlotte, 401 South Tryon Street, Charlotte, NC 28230, 704-336-7100, P.O. Box 30248, Charlotte, NC 28230  
FRB Chicago, 230 South La Salle Street, Chicago, IL 60690, 312-322-5369, P.O. Box 834, Chicago, IL 60690  
FRB Cincinnati, 150 East Fourth Street, Cincinnati, OH 45201, 513-721-4787 Ext. 333, P.O. Box 999, Cincinnati, OH 45201  
FRB Cleveland, 1455 East Sixth Street, Cleveland, OH 44101, 216-579-2490, P.O. Box 6387, Cleveland, OH 44101  
FRB Dallas, 400 South Akard Street, Securities Department, Station K, Dallas, TX 75222, 214-651-6362  
FRB Denver, 1020 16th Street, Denver, CO 80217, 303-572-2466, 303-572-2470, P.O. Box 5228, Terminal Annex, Denver, CO 80217  
FRB Detroit, 160 West Fort Street, Detroit, MI 48231, 313-964-6157, P.O. Box 1059, Detroit, MI 48231  
FRB El Paso, 301 East Main Street, El Paso, TX 79999, 915-544-4730, P.O. Box 100, El Paso, TX 79999  
FRB Houston, 1701 San Jacinto Street, Houston, TX 77252, 713-659-4433, P.O. Box 2578, Houston, TX 77252

FRB Jacksonville, 515 Julia Street, Jacksonville, FL 32231-2499, 904-632-4245, P.O. Box 2499, Jacksonville, FL 32231-2499  
FRB Kansas City, Securities Department, 925 Grand Avenue, Kansas City, MO 64198, 816-881-2783 or 2109, P.O. Box 440, Kansas City, MO 64198  
FRB Little Rock, 325 West Capitol Avenue, Little Rock, AR 72203, 501-372-5451 Ext. 288, P.O. Box 1261, Little Rock, AR 72203  
FRB Los Angeles, 409 Olympiac Boulevard, Los Angeles, CA 90051, 213-683-8546, P.O. Box 2077, Terinal Annex, Los Angeles, CA 90051  
FRB Louisville, 410 South Fifth Street, Louisville, KY 40232, 502-568-9236, 502-568-9238, P.O. Box 32710, Louisville, KY 40232  
FRB Memphis, 200 North Main Street, Memphis, TN 38101, 901-523-7171 Ext. 225 or 641, P.O. Box 407, Memphis, TN 38101  
FRB Miami, 9100 NW. Thirty-Sixth Street, Miami, FL 33178, 305-593-9923, P.O. Box 520847, Miami, FL 33152  
FRB Minneapolis, 250 Marquette Avenue, Minneapolis, MN 55480, 612-340-2075  
FRB Nashville, 301 Eighth Avenue, North, Nashville, TN 37203  
FRB New Orleans, 525 St. Charles Avenue, New Orleans, LA 70161, 504-586-1505, Ext. 293, P.O. Box 61630, New Orleans, LA 70161  
FRB New York, 33 Liberty Street, New York, N.Y. 10045, 212-791-6619, Federal Reserve P.O. Station, New York, NY 10045  
FRB Oklahoma City, 226 Dean A. McGee Avenue, Oklahoma City, OK 73125, 405-235-1721 Ext. 182, P.O. Box 25129, Oklahoma City, OK 73125  
FRB Omaha, 102 South Seventeenth, Omaha, NE 68102, 402-341-3610 Ext. 242  
FRB Philadelphia, Securities Division, Ten Independence Mall, Philadelphia, PA 19106, 215-574-6680 P.O. Box 90, Philadelphia, PA 19106  
FRB Pittsburgh, 717 Grant Street, Pittsburgh, PA 15230-0867, 412-261-7988, P.O. Box 867, Pittsburgh, PA 15230-0867  
FRB Portland, 915 SW., Stark Street, Portland, OR 97208, 503-221-5921 or 5931, P.O. Box 3436, Portland, OR 97208  
FRB Richmond, 701 East Byrd Street, Richmond, VA 23261, 804-642-1250, P.O. Box 27622, Richmond, VA 23261  
FRB Salt Lake City, 120 South State Street, Salt Lake City, UT 84130, 801-355-3131, 801-322-7911, P.O. Box 30780, Salt Lake City, UT 84130  
FRB San Antonio, 126 East Nueva Street, San Antonio, TX 77252, 512-224-2141 Ext. 303-309, P.O. Box 1471, San Antonio, TX 77252  
FRB San Francisco, 101 Market Street, San Francisco, CA 94120, 415-392-6640 or 6650, P.O. Box 7702, San Francisco, CA 94120  
FRB Seattle, 1015 Second Avenue, Seattle, WA 98124, 206-442-1650, P.O. Box 3567, Seattle, WA 98124  
FRB St. Louis, 411 Locust Street, St. Louis, MO 63166, 314-444-8602, P.O. Box 442, St. Louis, MO 63166  
Department of the Treasury, Washington, DC 20220, Bureau of the Public Debt, Department A, Washington, DC 20239-1000, 202-287-4113, Device for hearing impaired, 202-287-4097.

#### Treasury/USSBD .001

#### SYSTEM NAME:

Savings Bonds Employee Records System—Treasury/USSBD.

#### SYSTEM LOCATION:

Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, DC 20226.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of USSBD.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Appeal and Grievance Records, Applicant Supply Files, Case Actions, Employee Earning Statements, Employee Financial Statements, Equal Employment Opportunity Files, Incentive Awards and Reports, Itineraries, Locator Cards, Medical Records, Merit Promotion, Motor Vehicle Records, Payroll, Performance Evaluation, Personal Investigation, Position Control, Reduction in Force File, Register of Separation and Transfer, Retirement Cards, Time and Attendance Records, Tort Claims, Training Records and Reports, Travel Vouchers.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, dated April 1941.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

A record or information from a record maintained in this system of records may be disclosed as a routine use when: (1) Providing employee information to other Federal Personnel offices when an employee is under consideration for a position with that Agency; (2) Helping a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the Bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (3) Providing information to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; and (4) To disclose to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.



**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records in Personnel, with the exception of card files, are stored in metal correspondence files, indexed by individual names and numbers. Files are maintained in separate offices according to the nature or content of data.

**RETRIEVABILITY:**

Storage of financial information is maintained on computer printouts supplied by Bureau of the Mint. Time and attendance reports and travel vouchers of employees are stored in separate files and are accessible by name and Social Security number.

**SAFEGUARDS:**

Files are accessible to Personnel employees and are locked at the close of each day.

**RETENTION AND DISPOSAL:**

Records pertaining to personal historical data are maintained for two years and are then sent to the Federal Records Center. Less important records are destroyed after the two-year period. All payroll and time and attendance records are retained between audit periods (normally two years) and then destroyed by shredding. Travel vouchers are maintained on file for three years after audit and then sent to the Federal Records Center.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Administration,  
Department of the Treasury, Savings Bonds Division, 1111 20th Street, NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his record or any information pertaining to him/her by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he or she has this information in his/her possession.

**RECORD ACCESS PROCEDURES:**

See System Manager and Notification above.

**CONTESTING RECORD PROCEDURES:**

See System manager above. Contested information should be specified, and the reason(s) for contesting the record listed.

**RECORD SOURCE CATEGORIES:**

Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

Portions of this system are exempted elsewhere in the Federal Register.

**Treasury/USSBD .002**

**SYSTEM NAME:**

Savings Bonds Sales Promotion/  
Volunteer Record System—Treasury/  
USSBD.

**SYSTEM LOCATION:**

Savings Bonds Division, Department of the Treasury, 1111 20th Street, NW., Washington, DC 20226; and/or Regional and Branch Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Bond Tellers, Campaign Managers, Campaign Nominees, Committee Volunteer Lists and Contacts, General Correspondence, Geographical Chairmen, Governmental Biographical Sketches, Honorary Chairmen, Individual Volunteer Lists, Mailing Lists—General and Labor, Major Corporation Executives, National Panel of Public Relations.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Administrative lists and related detail.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, dated April 1941.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

There are no disclosures outside the Department for this records system.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Mailing lists are accessible to employees and stored on addressograph plates. Other correspondence and materials are filed in the regular correspondence file cabinets.

**RETRIEVABILITY:**

Records are indexed by year, volunteer position and name, and are retrievable by those identifiers.

**SAFEGUARDS:**

The individual, however, must be under supervision of a Savings Bonds officer during the entire time he or she has this information in his/her possession.

**RETENTION AND DISPOSAL:**

Records are maintained as long as needed and up-dated as necessary.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Department of the Treasury, Savings Bonds Division, 1111 20th Street NW., Washington, DC 20226.

**NOTIFICATION PROCEDURE:**

Records that are housed by the Savings Bonds Division are not of a nature that would warrant strict guidelines for accessibility. An individual may request access to his/her record or any information pertaining to him/her by merely notifying the office or officer in charge.

**RECORD ACCESS PROCEDURES:**

An individual may request access to his or her record at any time by notifying the Officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time the information is in his/her possession.

**CONTESTING RECORD PROCEDURES:**

See System manager above. Contested information should be specified, and the reason(s) for contesting the record listed.

**RECORD SOURCE CATEGORIES:**

Data accumulated in the record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the volunteer's appointment.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/USSBD .003**

**SYSTEM NAME:**

Savings Bonds Sales Record System—  
Treasury/USSBD.

**SYSTEM LOCATION:**

Savings Bonds Division, Department of the Treasury, 1111 20th Street NW., Washington, DC 20226; and/or Regional Offices.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Blue Ribbon Target Cards, Blue Ribbon Target Status Control Sheets, Field Call Reports, Itineraries, Net-Saver Reports, Payroll Savings Reporting



Procedures Forms, Progress Summaries, Time and Attendance Records, Training Reports, Work Plans, State-County Chairmen, State and Volunteer Fund Lists, "Take stock in America" Records, Telephone calls, Volunteer Bio's.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

Routine lists and administrative details associated with sales.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Treasury Department Order No. 13 established the Division of Savings Bonds under the office of the Fiscal Assistant Secretary, dated April 1941.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

There are no disclosures for this system of records outside the Department.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records of this nature are filed in large notebooks and are indexed according to individual names, regions, areas and states.

##### RETRIEVABILITY:

Records are retrievable under indexes indicated above.

##### SAFEGUARDS:

Records do not warrant tight security.

##### RETENTION AND DISPOSAL:

High priority records are kept as long as needed, records of lower priority are destroyed after two years.

##### SYSTEM MANAGER(S) AND ADDRESS:

Director of Sales Operations, Department of the Treasury, Savings Bonds Division, 1111 20th Street, NW., Washington, DC 20226.

##### NOTIFICATION PROCEDURE:

An individual may request access to his or her record or any information pertaining to him/ her by merely notifying the office or officer in charge. The individual, however, must be under the supervision of a Savings Bonds officer during the entire time he or she has this information in his/her possession.

##### RECORD ACCESS PROCEDURES:

See Notification and System Manager.

##### CONTESTING RECORD PROCEDURES:

See System manager above. Contested information should be specified, and the reason(s) for contesting the record listed.

#### RECORD SOURCE CATEGORIES:

Data accumulated in the sales record system at Savings Bonds are gathered from the individual and/or from sources directly connected with the employee's appointment.

#### SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

#### Treasury/USSS .001

##### SYSTEM NAME:

Administrative Information System—Treasury/USSS.

##### SYSTEM LOCATION:

(a) U.S. Secret Service (Headquarters), 1800 G Street NW., Washington, DC 20223. Components of the this System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service, Appendix A, listing the addresses of Secret Service offices.) (b) U.S. Secret Service Uniformed Division, 1310 L Street, NW., Washington, DC 20005; (c) Presidential Protective Division, U.S. Secret Service, Room 10, Old Executive Office Building, 17th and Pennsylvania Avenue, NW., Washington, DC 20500; (d) Vice-Presidential Protective Division, U.S. Secret Service, Old Executive Office Building, Room 295, Washington, DC 20500; (e) Dignitary Protective Division U.S. Secret Service, 1310 L Street, NW., Washington, DC 20005; (f) Special Services Division, U.S. Secret Service, Washington Navy Yard, 2nd and M Streets, SE., Bldg. 216, Washington, DC 20374; (g) Johnson Protective Division, U.S. Secret Service, P.O. Box 921, Stonewall, TX 78671; (h) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, CA 92270-955; (i) Technical Security Division, U.S. Secret Service, Old Executive Office Building, Room 572, Washington, DC 20500; (j) Carter Protective Division, U.S. Secret Service, P.O. Box 308, Plains, GA 31780. Western Protective Division, U.S. Secret Service, 2660 Townsgate Rd., Westlake Village, CA 92361-276.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who are now or were Secret Service employees; (b) Individuals, contractors, and vendors, etc., who are presently doing or previously did business with the Secret Service; (c) Claimants against the Secret Service under the Federal Tort Claims Act and the Military Personnel and Federal Employees Claims Act.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Records containing information on issuance of Secret Service equipment

and accountable government property; (b) Records containing procurement negotiations, contracts, agreements, etc., with the Secret Service; (c) Records containing information on past, present, and future administrative correspondence with individuals, contractors, vendors, etc., who have or plan to enter into contractual agreements with the Secret Service; (d) Records on vehicle accidents, injuries, fatalities; (e) Records on motor vehicle operators in the Secret Service.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 40 and 41 of the U.S. Code, and other rules and regulations where applicable; 5 U.S.C. 301; 44 U.S.C. 3101.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(a) Disclosure of information to the Department of Treasury, GAO, OMB, GSA, the Department of Justice and other Federal, state, and local government agencies regarding purchases, contracts, and anticipated purchases and contracts of the Secret Service; (b) To provide administrative services for the Secret Service and maintain administrative records as required by law; (c) To use in the adjudication of any claim for or against the Secret Service; (d) Disclosure to individuals, contractors, vendors, etc., for the purpose of inquiries relating to or confirmation of orders and purchases; (e) Disclosure to a student participating in a Secret Service student volunteer program. Where such disclosure is necessary to further the efforts of the Secret Service.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are contained in file jackets.

##### RETRIEVABILITY:

Records may be retrieved by name and/or number.

##### SAFEGUARDS:

(1) File jackets and indices at Headquarters are located in locked rooms which are secured by alarms and other internal security devices with guards on duty on an around the clock basis. Access is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master file indices in Secret Service field offices are located in



locked file cabinets or in locked rooms when Secret Service employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

#### RETENTION AND DISPOSAL:

The file jackets and indices are retained in accordance with mandatory National Archives Records Administration (NARA), General Records Schedules 3, 4, 8, 10, 11, 13, & 23. Disposal is by burning or shredding.

#### SYSTEM MANAGER AND ADDRESS:

Assistant Director, Office of Administration, U. S. Secret Service, 1800 G Street, NW., Washington, DC 20223.

#### NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, NW., Room 720, Washington, DC 20223.

#### RECORD ACCESS PROCEDURES:

Requests for information contained in this system should be addressed to:

Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street, NW., Room 720, Washington, DC 20223.

#### CONTESTING RECORD PROCEDURES:

See access above.

#### RECORD SOURCE CATEGORIES:

(a) Individuals who are presently or were Secret Service employees; (b) Individuals, corporations, companies, contractors, etc., previously engaged or presently engaged in business with the Secret Service; (c) Claimants.

#### SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Treasury/USSS .002

#### SYSTEM NAME:

Chief Counsel Record System—Treasury/USSS.

#### SYSTEM LOCATION:

Office of Chief Counsel, United States Secret Service, 1800 G Street, NW., Washington, DC 20223.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

(a) Individuals who have filed administrative claims involving an employee of the U.S. Secret Service; (b) Individuals involved in litigation against the U.S. Secret Service; (c) Individuals who have filed a petition for remission

of forfeiture of equipment with the U. S. Secret Service.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

(a) Copies of administrative claims involving employees of the U.S. Secret Service and responses thereto; (b) Any type of legal document, including complaints, summaries, and litigation reports, motions, and any other court filing; (c) Records concerning requests for information regarding the use of reproductions of obligations of the United States including bonds, checks, coins, coupons, currencies (U.S. and foreign), fractional notes, postage stamps (U.S. and foreign), postal money orders, and postmarks.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

18 U.S.C. 3056; 28 U.S.C. 2672 (Federal Tort Claims Act); 18 U.S.C. 471-509.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

(a) Administrative claims may be routinely sent to Department of Justice attorneys to assist them in litigation involving the Secret Service; (b) Legal records and litigation reports may be sent to Department of Justice attorneys to assist them in the preparation for litigation involving the U.S. Secret Service; (c) Records indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate Federal, state, local or foreign agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; (d) Disclosures to opposing counsel, a court magistrate or administrative tribunal in the course of a legal proceeding, and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (e) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a

license, grant or other benefit; (f) Disclosures to a Federal agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (g) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

#### POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:

##### STORAGE:

Records are contained in file jackets.

##### RETRIEVABILITY:

This System is indexed chronologically for administrative claims and requests for information regarding reproductions. Access to the physical files containing litigation records is by name.

##### SAFEGUARDS:

The file jackets are secured in a locked room with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance.

#### RETENTION AND DISPOSAL:

(1) All judicial case records are retained for a period of 20 years; (2) Administrative claims, and requests for information are disposed of at varying intervals in accordance with the records retention schedule approved by the National Archives and Records Administration. Any disposal is by shredding and/or burning.

#### SYSTEM MANAGER AND ADDRESS:

Chief Counsel, U.S. Secret Service, 1800 G Street NW., Room 842, Washington, DC 20223.

#### NOTIFICATION PROCEDURE:

Individuals who wish to present a request as to whether the system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street NW., Room 720, Washington, DC 20223.



**RECORD ACCESS PROCEDURES:**

Requests for information contained in this System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G Street NW., Room 720, Washington, DC 20223.

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

(a) Administrative claims are filed by those individuals who believe that they have a claim against the U.S. Secret Service; (b) Individuals who are involved in legal proceedings against the U.S. Secret Service. All litigation reports are initiated by Office of Chief Counsel, U.S. Secret Service; (c) Requests for information regarding the use of reproductions from Secret Service field offices, the general public, and from professional organizations.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

Treasury/USSS .003

**SYSTEM NAME:**

Criminal Investigation Information System—Treasury/USSS.

**SYSTEM LOCATION:**

(a) United States Secret Service, (Headquarters), 1800 G Street NW., Washington, DC 20223; (b) Components of this System are geographically dispersed throughout Secret Service field offices. (See United States Secret Service Appendix A listing the addresses of Secret Service field offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service in connection with the performance by that agency of its authorized criminal investigative functions; (b) Individuals who are payees, registered owners or endorsers of stolen or lost obligations and other securities of the United States; (c) Individuals who are witnesses, credit card holders with doctored credit histories, holders of altered identification cards, complainants, informants, suspects, defendants, fugitives, released prisoners, correspondents, organized crime figures, and victims of crimes who have been identified by the Secret Service in the conduct of criminal investigations or by information supplied by other law enforcement agencies, government units, and the general public.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole or probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, and associated with an identifiable individual; (c) Records containing reports identifiable with an individual compiled at various stages of the process of enforcement of criminal laws from arrest or indictment through release from supervision; (d) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, handwriting exemplars; laboratory analyses of inks and papers; handwriting analyses; petitions for the remission of forfeitures; notice of non-receipt of Treasury drafts; affidavits of forged endorsements; opinions of the examiner of questioned documents; certificates by owners of U.S. registered securities concerning forged requests for payments or assignments; applications for relief on account of loss, theft, or destruction of U.S. Savings Bonds or checks; photographic reproductions of obligations and other securities of the United States; contraband items; claims against the United States for the proceeds of government checks and bonds; and reports necessary for the settlement of check and bond claims.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 3056.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(a) Disclosure to Federal, state, and local government agencies foreign or domestic, having prosecutive and civil law enforcement functions for use by attorneys, magistrates, and judges, parole or probation authorities and other law enforcement authorities for the purpose of developing a criminal or civil investigation, prosecuting, sentencing, or determining the parole and probation status of criminal offenders or suspected criminal offenders; (b) Disclosure to personnel of other Federal, state and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in Secret Service criminal investigations and assisting other law enforcement

agencies in the investigation and prosecution of violations of the criminal laws which those agencies are responsible for enforcing; (c) Disclosure to personnel of Federal, state, and local governmental agencies, where such disclosure is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (d) Disclosure to personnel of Federal, state, and local governmental agencies, foreign and domestic, where there is a showing of reasonable necessity to obtain such information to accomplish a valid law enforcement purpose; (e) Disclosure to employees and officials of financial and commercial business firms and to private individuals of identifying information pertaining to actual or suspected criminal offenders where such disclosure is considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of and apprehend criminal offenders and suspected criminal offenders; (f) Records maintained in this System indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be disclosed to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (g) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (h) Disclosures to Federal, state or local agencies maintaining civil, criminal or other pertinent information or enforcement information relevant to an agency decision concerning the hiring or retention of an employee, or the issuance of a license, grant or other benefit; (i) Disclosures to a Federal, state or local agency in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract or the



issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (j) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2; (k) Disclosure in connection with the utilization by the Secret Service to the Northern Virginia Regional Identification System for the storage and retrieval of fingerprint information maintained by the Secret Service; (l) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records comprising this System of the U.S. Secret Service are contained in file jackets, microfilm and microfiche. Portions of the indices and information contained in the records are maintained in on-line computer data files located at Headquarters.

**RETRIEVABILITY:**

This system is indexed by name, address, vehicle license number, and telephone number, in master and magnetic media indices both at Headquarters and in the field offices. Additionally, subjects are retrievable from the computerized files by physical description. Access to the physical files containing records is by case number obtained from the indices.

**SAFEGUARDS:**

(1) At Headquarters the field jackets and indices containing the records are secured by alarms, and other internal security devices, in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for records management and operational employees with a "need to know," each of whom has a top secret security clearance; (2) In field offices the file jackets and the master field indices are located in locked filing cabinets and when Secret Service employees are not on duty in locked rooms. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

**RETENTION AND DISPOSAL:**

(1) All Judicial cases, 20 years; (2) Non-judicial criminal investigative cases (except non-judicial check and bond

cases), 10 years; (3) Non-judicial check claim and bond forgery cases, 5 years; (4) Administrative files of an investigatory nature, 5 years; (5) All other files and records the disposition of which is not otherwise specified, 5 years; (6) Investigations for other districts, 2 years; (7) Receipts for counterfeit and contraband, 2 years; (8) Investigation Control Forms, varies; (9) Arrest History Forms, Indefinite; (10) Headquarters Criminal Investigative case files, 50 years; (11) Consensual and non-consensual interception indices, 10 years or when investigative use no longer exists, whichever is longer; (12) Fingerprint and photograph files, at varying intervals in accordance with record retention schedules approved by the National Archives and Records Administration. Disposal is by burning, shredding, maceration, and pulping.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, Office of Investigations, U.S. Secret Service, 1800 G St., NW., Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k), the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a (e)(4)(G).

**RECORD ACCESS PROCEDURES:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k), the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a (e)(4)(H).

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from compliance with the provisions of 5 U.S.C. 552a (e)(4)(I).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (c)(4), (d), (e)(1), (e)(4)(G), (e)(4)(H), and (e)(4)(I), of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

**Treasury/USSS .004**

**SYSTEM NAME:**

Financial Management Information System—Treasury/USSS.

**SYSTEM LOCATION:**

(a) U.S. Secret Service, (Headquarters) 1800 G St., NW., Washington, DC 20223; (b) Components of this System are geographically dispersed throughout Secret Service field offices (See below

United States Secret Service, Appendix A listing the addresses of Secret Service field offices.); (c) U.S. Secret Service Uniformed Division, 1310 L Street, NW., Room 210, Washington, DC 20005; (d) Special Services Division, U.S. Secret Service, Building 216, Washington Navy Yard, Washington, DC 20374; (e) Presidential Protective Division, U.S. Secret Service, Room 1, Old Executive Office Building, Washington, DC 20500; (f) Vice-Presidential Protective Division, U.S. Secret Service, Old Executive Office Building, Room 295, Washington, DC 20500; (g) Dignitary Protective Division, U.S. Secret Service, 1310 L St., NW., Suite 500, Washington, DC 20005; (h) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, TX 78671; (i) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, CA 92270-955; (j) Carter Protective Division, U.S. Secret Service, P.O. Box 308, Plains, GA 31780-0308; (k) Technical Security Division, U.S. Secret Service, Old Executive Office Building, Room 572, Washington, DC 20500. (1) Western Protective Division, U.S. Secret Service 2660 Townsgate Rd., 270 Village Park, Westlake Village, CA 91361-2762.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Individuals who are now, or were previously, Secret Service employees; (b) Individuals, contractors, vendors, etc., who are presently doing business with or previously did business with the Secret Service; (c) Individuals who are involved in or were previously involved in tort claims with the Secret Service; (d) Individuals who are now or previously were involved in payments (accounts receivable) with the Secret Service; (e) Individuals who have been recipients of awards.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records containing information compiled for the purpose of pay, travel, property damage, expenses incurred other than travel, and retirement annuities and taxes; (b) Records containing information of accounts receivable and payable, involving Secret Service employees and other persons; (c) Records containing information of tort claims dealing with Secret Service property, concerning payment and accounts receivable; (d) Records containing information on the expenditures, anticipated expenditures, and budget studies of the Secret Service; (e) Time and attendance records.



**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

31 U.S.C. 68, 484, 952, and 1801 thru 1806, and 5 U.S.C. 5514, and 21 U.S.C. 2415.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

The routine uses of the records contained in this System are as follows: (a) Disclosure to the Internal Revenue Service, U.S. Treasury, GAO, OPM and other Federal agencies dealing with the payment and collection of monies concerning Secret Service employees; (b) Disclosure to the Internal Revenue Service, U.S. Treasury Department, OPM, GAO, and other Federal agencies dealing with the payment, collection and audit of monies concerning persons who have financial dealings with the Secret Service; (c) To establish and maintain a means of gaining statistical information needed to answer inquiries from other Federal, state, and local governments and Congress; (d) To establish a reporting system to Treasury, OMB, GAO, and Congress concerning Secret Service expenditures; (e) To establish a means of payments to contractors and vendors for purchases made by Secret Service; (f) Disclosure to other Federal agencies to effect inter-agency salary offset and to affect inter-agency administrative offset; (g) Disclosures to consumer reporting agencies to obtain commercial credit reports; (h) Disclosures to debt collection agencies for debt collection services; (i) Disclosures of current mailing addresses obtained from the Internal Revenue Service, which have become a part of this system, to consumer reporting agencies to obtain credit reports and to debt collection agencies for collection services; (j) Disclosures to appropriate Federal, State, or foreign agencies responsible for investigating or prosecution of the violation of, or for enforcing or implementing, a statute, rule, regulation, order or license; (k) Disclosures to a Federal, state, or local agency, maintaining civil, criminal or other relevant enforcement information or other pertinent information, which has requested information relevant to or necessary to the requesting agency's or the bureau's hiring or retention of an employee, or issuance of a security clearance, license, contract, grant, or other benefit; (1) Disclosures to a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, settlement negotiations, in response to a subpoena, or in connection with criminal law

proceedings; (m) Disclosures to foreign governments in accordance with formal or informal international agreements; (n) Disclosures to a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; (o) Disclosures to the news media in accordance with guidelines contained in 28 CFR 50.2 which relate to an agency's functions relating to civil and criminal proceedings; (p) Disclosure to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (q) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

**DISCLOSURES TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12) may be made from this system to consumer reporting agencies as defined in the Debt Collection of 1982 (31 U.S.C. 3701(a)(3)) or the Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

All records are contained in files, microfilm, and/or microfiche. Portions of the indices and information contained in this System are programmed into computers maintained at Headquarters.

**RETRIEVABILITY:**

This System is indexed by name and/or number at Headquarters and by name only in field offices and protective divisions. Access is by name and/or number.

**SAFEGUARDS:**

(1) The file jackets, indices and computers are secured by alarms and other internal security devices in locked rooms with guards on duty on a 24-hour basis; (2) Access to the records is available only to employees responsible for records management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (3) The file jackets and/or indices are located in locked filing cabinets and in locked rooms when Secret Service employees are not on duty. Access is limited to employees holding top secret security clearances.

**RETENTION AND DISPOSAL:**

(1) Financial Management Division's automated accounting systems, foreign disbursement file, and paid files are

retained for six years; (2) Accounts receivable systems are maintained for four years unless they are not liquidated; (3) Systems for holiday, overtime, and other pay adjustments, enter on duty information, resignations, retirements, reassignments, etc., are disposed of at varying intervals in accordance with records retention schedules approved by the National Archives Record Administration (NARA); (4) Records on personnel actions, leave, change of station, bonds, health benefits and insurance policies, bank deposits, allotments, etc., are held for six months; (5) All other records are retained in accordance with mandatory National Archives Record Administration (NARA), General Records Schedules 5, 6, & 7. Disposal of records is by burning, mulching, shredding, or electronic deletion.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, Office of Administration, 1800 G St., NW., Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

Individuals who wish to present a request as to whether this system contains a record pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**RECORD ACCESS PROCEDURES:**

Request for information contained in this System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

(a) Individuals who are presently or were previously Secret Service employees; (b) Individuals who are presently or were service contractors or suppliers with the Secret Service; (c) Individuals who are presently or were previously involved in tort claims with the Secret Service; (d) Individuals who are presently or were previously involved in collections and disbursements with the Secret Service; (e) Internal Revenue Service; (f) Surviving spouse of deceased personnel.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury/USSS .005****SYSTEM NAME:**

Freedom of Information Request System—Treasury/USSS.

**SYSTEM LOCATION:**

United States Secret Service, 1800 G St., NW., Washington, DC 20223.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals or organizations who have requested information under the Freedom of Information Act, or the Privacy Act.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Correspondence relating to requests for information; (b) Documents relevant to appeals and lawsuits under the Freedom of Information Act.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

5 U.S.C. 552.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

(a) Records may be disseminated to a Federal agency which furnished the record for the purpose of permitting a decision as to access or correction to be made by that Agency, or for the purpose of consulting with that Agency as to the propriety of access or correction; (b) Records may be disseminated to any appropriate Federal, state, local, or foreign Agency for the purpose of verifying the accuracy of information submitted by an individual who has requested amendment or correction of records; (c) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records comprising this System are maintained in file jackets.

**RETRIEVABILITY:**

The files and indices are indexed numerically and alphabetically.

**SAFEGUARDS:**

The files and indices are secured in filing cabinets in locked rooms. Access to the records is available only to employees responsible for the management of the system and operational employees who have a need for such information, each of whom have a top secret security clearance.

**RETENTION AND DISPOSAL:**

All files and indices are destroyed six years after the date of last entry. Disposal is by burning and/or shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

Individuals who wish to present a request as to whether this system contains records pertaining to them should address their inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**RECORD ACCESS PROCEDURES:**

Any individual wishing to obtain information on the procedures for gaining access to and contesting records should contact: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

Individuals or organizations requesting information pursuant to the Freedom of Information Act or the Privacy Act.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Treasury/USSS .006****SYSTEM NAME:**

Non Criminal Investigation Information System—Treasury/USSS.

**SYSTEM LOCATION:**

(a) United States Secret Service, 1800 G St., NW., Washington, DC 20223; (b) Components of this System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Individuals who are applicants for employment with the U.S. Secret Service and other bureaus of the Department of the Treasury; (b) Individuals who are employees of the U.S. Secret Service and other bureaus of the Department of the Treasury holding security clearances granting access to classified documents and records; (c) Individuals who have

filed administrative claims with the Secret Service and other bureaus of the Department of the Treasury under the Federal Tort Claims Act or who have been involved in automobile accidents or other incidents involving employees of the Secret Service and other bureaus of the Department of the Treasury resulting in tort claims against such individuals; (d) Individuals involved in investigations required in the administration of the Government Losses in Shipment Act, the Gold Reserve Act, and the Silver Purchase Act; (e) Individuals who are employees of the Secret Service and other bureaus of the Department of the Treasury who have been accused of misconduct in the performance of their duties, or who have been the subject of a complaint involving the performance of their official functions; (f) Individuals who are the subject of investigations or supply information to investigative agents conducting special investigations relating to the performance by the Secret Service of its statutory and regulatory functions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Record containing investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; (b) Records containing investigatory material compiled for law enforcement purposes, including but not limited to, reports of investigators relating to claims under the Federal Tort Claims Act, Government Losses in Shipment Act, the Gold Reserve Act and the Silver Purchase Act, and employee misconduct or malfeasance; (c) Records containing reports or statement of investigators, witnesses, complainants, claimants and correspondents associated with identifiable individuals.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 3056, Executive Order 10450 and Treasury Order 102-18 (revised March, 1985); and Treasury Order 173-1.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

The routine uses of the records contained in this System are as follows: (a) Disclosure to the Department of Justice and other Federal agencies for administrative, civil, or other legal proceedings to be used by personnel officials, attorneys, administrative law officers, and judges; (b) Disclosure to personnel of other Federal, state and local governmental agencies, foreign and domestic, for the purpose of



developing or confirming information on individuals involved in non-criminal investigations conducted by the Secret Service; (c) Disclosure to personnel of private institutions and to private individuals for the purpose of confirming and/or determining suitability, eligibility, or qualifications for Federal civilian employment or access to classified information; and for the purposes of furthering the efforts of the Secret Service to investigate the activities of individuals related to or involved in non-criminal civil and administrative investigations; (d) Disclosure to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for the purpose of determining suitability, eligibility, or qualifications for employment with or access to classified information in such other agency or instrumentality; (e) Records maintained indicating a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, may be referred to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto; (f) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (g) Disclosures to Federal, state or local agencies maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit, to the extent that the information is relevant and necessary to the requesting agencies' decision on the matter; (h) Disclosures of information relating to civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2. (i) Disclosure to Federal, state, or local government agencies for the purpose of developing a

relevant ongoing civil, criminal, background investigations; (j) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records comprising this System of the U.S. Secret Service are contained in file jackets, microfilm, and microfiche. Portions of these indices and information are maintained in on-line computer data files located at Headquarters.

**RETRIEVABILITY:**

This System is indexed alphabetically by name in Headquarters, Inspection, field master, and magnetic media indices. Access to the physical files is by case number obtained from the name indices.

**SAFEGUARDS:**

(1) The file jackets and indices are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices comprising this System in field offices are located in locked filing cabinets and when employees are not on duty, in locked rooms. Access to the system is limited to employees holding top secret security clearances.

**RETENTION AND DISPOSAL:**

The retention schedule is as follows: (1) All judicial case records are retained for a period of 20; (2) Applicant security and background investigation records of Secret Service employees are retained for twenty years after retirement or separation of the employee from Secret Service employment; (3) Applicant investigation records relating to employees of Bureaus of the Treasury Department other than the Secret Service, are retained for 20 years; (4) All other records, the disposition of which are not otherwise specified, are retained for 5 years. Disposal: Disposal of records is by burning, shredding, maceration, and pulping.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Directors, Office of Investigation and Office of Inspection, 1800 G St., NW., Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

The Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(G).

**RECORD ACCESS PROCEDURES:**

The Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(H).

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

The Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(I).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(3), (d), (e)(4)(G), (e)(4)(H), (e)(4)(I) and (f) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

**Treasury/USSS .007**

**SYSTEM NAME:**

Protection Information System—Treasury/USSS.

**SYSTEM LOCATION:**

(a) United States Secret Service, 1800 G St., NW., Washington, DC 20223; (b) Presidential Protective Division, U.S. Secret Service, Room 1, Old Executive Office Building, Washington, DC 20500; (c) Vice-Presidential Protection Division, U.S. Secret Service, Room 295, Executive Office Building, Washington, DC 20500; (d) Dignitary Protective Division, U.S. Secret Service, 1310 L St., NW., Suite 500, Washington, DC 20005; (e) Special Services Division, U.S. Secret Service, Washington Navy Yard, 2nd and M St., SE, Bldg. 216, Washington, DC 20374; (f) Johnson Protective Division, U.S. Secret Service, P.O. Box 927, Stonewall, TX 78671; (g) Ford Protective Division, U.S. Secret Service, P.O. Box 955, Rancho Mirage, CA 92270-955; (h) U.S. Secret Service Uniformed Division, Room 320, 1310 L St., NW., Washington, DC 20005; (i) Technical Security Division, Room 572, Old Executive Office Building, Washington, DC 20500; (j) Carter Protective Division, U.S. Secret Service, P.O. Box 308, Plains, GA 31780; (k) Western Protective Division, Westlake Village, CA 91361-2762. (1) WAVES Center, Old Executive Office Bldg., Room 065. Components of this System are geographically dispersed throughout Secret Service field offices. (See below, United States Secret Service Appendix A, listing the addresses of Secret Service field offices.)



**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Individuals who have been or are currently the subject of a criminal investigation by the U.S. Secret Service or another law enforcement agency for the violation of certain criminal statutes relating to the protection of persons or the security of properties; (b) Individuals who are the subjects of investigative records and reports supplied to the Secret Service by Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, or private institutions and individuals; (c) Individuals who are the subjects of non-criminal protective and background investigations by the Secret Service and other law enforcement agencies where the evaluation of such individuals, in accordance with criteria established by the Secret Service, indicates a need for such investigations; (d) Individuals who are granted ingress and egress to areas secured by the Secret Service, or to areas in close proximity to persons protected by the Secret Service, including but not limited to invitees, passholders, tradesmen, and law enforcement, maintenance or service personnel; (e) Individuals who have attempted or solicited unauthorized entry into areas secured by the Secret Service; individuals who have sought an audience or contact with persons protected by the Secret Service or who have been involved in incidents or events which relate to the protective functions of the Secret Service; (f) Individuals who are witnesses, protectees, suspects, complainants, informants, defendants, fugitives, released prisoners, and correspondents who have been identified by the Secret Service or from information supplied by other law enforcement agencies, governmental units, private institutions, and members of the general public in connection with the performance by the Secret Service of its authorized protective functions.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records containing information compiled for the purpose of identifying individual criminal offenders and alleged offenders and consisting only of identifying data and notations of arrest, the nature and disposition of criminal charges, sentencing, confinement, release, and parole or probation status; (b) Records containing information compiled for the purpose of a criminal investigation, including reports of informants and investigators, which are associated with an identifiable individual; (c) Records containing reports relative to an individual

compiled at various stages of the process of enforcement of certain criminal laws from arrest or indictment through release from supervision; (d) Records containing information supplied by other Federal, state, and local law enforcement agencies, foreign or domestic, other non-law enforcement governmental agencies, private institutions and persons concerning individuals who, because of their activities, personality traits, criminal or mental history, or history of social deviancy, may be of interest to the Secret Service in connection with the performance by that agency of its protective functions; (e) Records containing information compiled for the purpose of identifying and evaluating individuals who may constitute a threat to the safety of persons or security of areas protected by the Secret Service; (f) Records containing information compiled for the purpose of background investigations of individuals, including but not limited to, passholders, tradesmen, maintenance or service personnel who have access to areas secured by or who may be in close proximity to persons protected by the Secret Service.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

The protective authority is contained in 18 U.S.C. 3056 and Section 1 of Pub. L. 90-331 (18 U.S.C. 871; 18 U.S.C. 1751). The protective and security authority of the U.S. Secret Service Uniformed Division is contained in 3 U.S.C. 202.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The routine uses are as follows: (a) Disclosure to the Department of Justice and other Federal, state, and local governmental agencies having a prosecutive function for the use of attorneys, magistrates, and judges; and parole and probation authorities for the purpose of prosecuting, sentencing, and determining the parole and probation status of criminal offenders or suspected criminal offenders; and for civil and other proceedings involving Secret Service Protective functions; (b) Disclosure to personnel of other Federal, state and local law enforcement agencies, foreign or domestic, for the purpose of developing information on subjects involved in Secret Service protective investigations and evaluations and for the purpose of protective intelligence briefings of personnel of other law enforcement and governmental agencies assisting the U.S. Secret Service in the performance of its protective functions; (c) Disclosure to

personnel of Federal, state, and local governmental agencies, foreign or domestic, where such disclosures are considered reasonably necessary for the purpose of furthering Secret Service efforts to investigate the activities of those persons considered to be of protective interest; (d) Disclosure to personnel of Federal, state, and local law enforcement agencies and other governmental agencies, foreign or domestic, where there is a showing of a reasonable need to accomplish a valid enforcement purpose; (e) Disclosure to personnel of private institutions and to private individuals of identifying information pertaining to actual or suspected criminal offenders or other individuals considered to be of protective interest for the purpose of furthering Secret Service efforts to evaluate the danger such individuals pose to persons protected by that agency; (f) Records indicating a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, may be disclosed to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto; (g) Disclosures in the course of presenting evidence to a court, magistrate or administrative tribunal and disclosures to opposing counsel in the course of discovery proceedings for the purpose of enforcing, or prosecuting, a violation or potential violation of law, whether civil, criminal or regulatory in nature and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto; (h) Disclosures and/or responses to Federal, state or local agencies maintaining civil, criminal or other relevant law enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the issuance of a contract, grant, or other benefit, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter; (i) Disclosures of information relating to criminal and civil proceedings to the news media in accordance with the guidelines contained in 28 CFR 50.2; (j) Disclosure to a student participating in a Secret Service student volunteer



program, where such disclosure is necessary to further the efforts of the Secret Service.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records are contained in file jackets, microfilm, or microfiche. Portions of the information contained in the records are maintained in on-line computer data files located at Headquarters.

**RETRIEVABILITY:**

This System is indexed by name, and other identifying data in master and magnetic media indices. Access to the physical files is by case number, both at Headquarters and the field offices.

**SAFEGUARDS:**

(1) The file jackets and magnetic media are secured by alarms and other internal security devices in locked rooms with guards on duty on an around-the-clock basis. Access to the records is available only to employees responsible for record management and operational employees who have a need for such information, each of whom holds a top secret security clearance; (2) The file jackets and the master field indices in field offices are located in locked filing cabinets and in locked rooms when employees are not on duty. Access to the system is limited to employees of the Secret Service holding top secret security clearances.

**RETENTION AND DISPOSAL:**

The retention schedule for records is as follows: (1) All judicial case records are retained for a period of 20 years. In cases where periodic checkups are conducted in protective intelligence cases, the retention period is computed from the date of the final check-up; (2) All other protective intelligence case records including protective surveys and non-judicial protective intelligence cases are routinely retained for a period of five years; (3) Disposal of records contained in this System is by burning or shredding.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant Director, Office of Protective Research, Assistant Director Protective Operations, U.S. Secret Service, 1800 G St., NW., Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this system from the provisions of 5 U.S.C. 552a(e)(4)(G).

**RECORD ACCESS PROCEDURES:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(H).

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

In accordance with the provisions of 5 U.S.C. 552a (j) and (k) the Director of the U.S. Secret Service has exempted this System from the provisions of 5 U.S.C. 552a(e)(4)(I).

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

This system is exempt from 5 U.S.C. 552a (c)(2), (c)(3), (c)(4), (d), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a (j) and (k).

**Treasury/USSS .008**

**SYSTEM NAME:**

Public Affairs Record System—Treasury/USSS.

**SYSTEM LOCATION:**

U.S. Secret Service, 1800 G St., NW., Washington, DC 20223.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

(a) Persons who are private citizens who correspond requesting information relating to the Secret Service;

(b) Persons who are members of the news media, authors and publishers requesting information about the Secret Service;

(c) Members of Congress who make inquiries with the Secret Service;

(d) Persons who are recipients of the Secret Service Honor Award, who have received recognition from or assisted the Secret Service.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

(a) Records of inquiries received from the general public, the communication media and the press relative to Secret Service activities; (b) Records of awards presented by the Secret Service; (c) Records of Congressional inquiries and correspondence.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 3056 and Treasury Department Order Number 173-3, dated October 29, 1965.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

The routine uses are as follows: (a) Disclosures and/or responses to

members of Congress and/or the general public. (b) Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records comprising this System are maintained in file jackets.

**RETRIEVABILITY:**

Records are filed alphabetically and chronologically.

**SAFEGUARDS:**

The files are secured in locked filing cabinets in locked rooms, with guards on duty on an around-the-clock basis. Access is available only to employees responsible for management of the system and operational employees who have a need for such information, each of whom holds a top secret security clearance.

**RETENTION AND DISPOSAL:**

Records in this system are maintained in accordance with mandatory General Services Administration, Records Schedule 14, Items 1-8.

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant to the Director, Office of Public Affairs, U.S. Secret Service, 1800 G St., NW., Washington, DC 20223.

**NOTIFICATION PROCEDURE:**

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**RECORD ACCESS PROCEDURES:**

Requests for information contained in the System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

(a) The general public, the news media and members of Congress who correspond with the Secret Service; (b) Persons who have received awards or honors from the Secret Service.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.



**Treasury/USSS .009****SYSTEM NAME:**

Training Information System —  
Treasury/USSS.

**SYSTEM LOCATION:**

(a) U.S. Secret Service, Office of Training, 1310 L St., NW., Room 900, Washington, DC 20005. (b) James J. Rowley Training Center, Beltsville, MD 20705.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals who are now or were Secret Service employees and officers of the U.S. Secret Service Uniformed Division.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records containing the type and dates of training programs of the U.S. Secret Service employees, officers of the U.S. Secret Service Uniformed Division including course control documents and lesson plans for classes conducted by the Office of Training.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

18 U.S.C. 3056.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:**

Disclosure to a student participating in a Secret Service student volunteer program, where such disclosure is necessary to further the efforts of the Secret Service, otherwise, disclosures are not made outside of the Agency.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, DISPOSING OF RECORDS IN THE SYSTEM:****STORAGE:**

Records are maintained on cards.

**RETRIEVABILITY:**

Records are filed alphabetically.

**SAFEGUARDS:**

Records are secured in locked rooms with alarms when employees are not on duty. Access is available only to employees responsible for management of the records and operational employees who have a need for such information, each of whom holds a top secret security clearance.

**RETENTION AND DISPOSAL:**

Records are currently disposed of at varying intervals in accordance with record retention schedules approved by the National Archives and Records Administration (NARA).

**SYSTEM MANAGER(S) AND ADDRESS:**

Assistant to the Director, Office of Training, U.S. Secret Service, Room 900, 1310 L St., NW., Washington, DC 20005.

**NOTIFICATION PROCEDURE:**

Individuals who wish to present a request as to whether this system contains records pertaining to them should address inquiries to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**RECORD ACCESS PROCEDURES:**

Requests for information contained in the System should be addressed to: Freedom of Information and Privacy Acts Officer, U.S. Secret Service, 1800 G St., NW., Room 720, Washington, DC 20223.

**CONTESTING RECORD PROCEDURES:**

See access above.

**RECORD SOURCE CATEGORIES:**

(a) Individuals who are now or were Secret Service employees, officers of the U.S. Secret Service Uniformed Division and the Treasury Police Force officers; (b) Individuals from other Federal, state and local law enforcement agencies.

**SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

**Appendix A****U.S. Secret Service field offices:**

Western Bank Building, 505 Marquette Street, NW., Suite 1700, Albuquerque, NM 87102, (505)766-3336.  
6100 Rockside Woods Blvd., Cleveland, OH 44131-2334, (216)522-4365.  
Equitable Building, 100 Peachtree Street, NE., Atlanta, GA 30303, (404)331-6111.  
Strom Thurmond Federal Bldg., 1835 Assembly Street, Suite 1425, Columbia, SC 29201, (803)765-5446.  
Federal Office Building, 300 East 8th Street, Suite 972, Austin, TX 78701, (512)482-5103.  
411 Federal Office Building, 85 Marconi Boulevard, Columbus, OH 43215, (614)469-7370.  
U.S. Courthouse, Room 7100, 101 W. Lombard Street, Baltimore, MD 21201, (301)962-2200.  
Federal Building, 525 S. Griffin Street, Dallas TX 75202 (214)767-8021.  
500 Building, 500 South 22nd St., Suite 203, Birmingham, AL 35233, (205)731-1144.  
1660 Lincoln Street, Suite 1430, Denver, CO 80264, (303)844-3027.  
Boston Federal Office Bldg., 10 Causeway Street, Boston, MA 0222-1080, (617)565-5640.  
Federal Building & U.S. Courthouse, Room 317, 231 Lafayette Blvd; Detroit, MI 48226, (313)226-6400.  
Federal Building, Room 1208, 111 West Huron Street, Buffalo, NY 14202, (716)846-4401.

Pershing Building West, Room 301, 4100 Rio Bravo Street, El Paso, TX 79902, (915)541-7546.  
1 Valley Square, Suite 910, Charleston, WV 25301, (304)347-5188.  
Gerald R. Ford Federal Bldg. & U.S. Courthouse, 110 Michigan Ave; NW., Grand Rapids, MI 49503, (616)456-2276.  
226 Skeens Building, 4530 Park Road, Charlotte, NC 28209, (704)523-9583.  
300 Ala Moana Boulevard; Room 6309, Honolulu, HI 96850, (808)541-1912.  
219 S. Dearborn Street, Suite 742, Chicago, IL 60604, (312)353-5431.  
602 Sawyer Street, Houston, TX 77007, (713)229-2755.  
Federal Office Building, 550 Main Street, Cincinnati, OH 45202, (513)684-3585.  
575 N. Pennsylvania Street, Suite 211, Indianapolis, IN 46204, (317)269-6444.  
Federal Bldg., 100 West Capitol Street, Jackson, MS 39269, (601)948-7459.  
7820 Arlington Expressway, Suite 500, Jacksonville, FL 32211, (904)724-4530.  
500 Camp Street, New Orleans, LA 70130, (504)589-4041.  
811 Grand Avenue, Kansas City, MO 64142, (816)374-5022.  
6 World Trade Center, Room 623, New York, NY 10048-0953, (212)466-4400.  
Savers Federal Bldg; 320 W. Capitol, Suite 640, Little Rock, AR 72201, (501)378-6241.  
Federal Building, Room 400, 200 Granby Mall, Norfolk, VA 23510, (804)441-3200.  
300 N. Los Angeles Street, Room 4324, Los Angeles, CA 90012, (213)894-4830.  
200 Northwest Fifth Street, Suite 926, Oklahoma City, OK 73102, (405)231-4476.  
U.S. Courthouse, Room 439, 601 West Broadway, Louisville, KY 40202, (502)582-5171.  
Old Federal Bldg; 106 S. 15th Street, Room 905, Omaha, NE 68102, (402)221-4671.  
167 North Main Street, Suite 831, Memphis, TN 38103, (901)521-3568.  
Room 406-410, D Bldg; 58 bis, Rue la Boetie, American Embassy, Paris 8, France, (75008)4296-1202.  
8375 Northwest 53rd Street, Suite 201, Miami, FL 33166, (305)591-3660.  
600 Arch Street, 7256 Federal Bldg; Philadelphia, PA 19106, (215)597-0600.  
517 East Wisconsin Avenue, Room 572, Milwaukee, WI 53202, (414)291-3587.  
Room 2041, Federal Building, 230 North 1st Avenue, Phoenix, AZ 85025, (602)261-3556.  
110 South 4th Street, 218 U.S. Courthouse, Minneapolis, MN 55401, (612)348-1800.  
1000 Liberty Avenue, Room 835, Pittsburgh, PA 15222, (412)644-3384.  
107 Saint Francis Street, Suite 1100, Mobile, AL 36602, (205)690-2851.  
121 Southwest Salmon Street, Suite 1330, Portland, OR 97204, (503)221-2162.  
801 Broadway Street, U.S. Courthouse 658, Nashville, TN 37203, (615)251-5841.  
The Federal Center, 380 Westminster St., Suite 343, Providence, RI 02903, (401)331-6456.  
60 Evergreen Place, East Orange, NJ 07018, (201)645-2334.  
400 North Eighth Street, Room 10-006, Richmond, VA 23240, (804)771-2274.



One Church Street, 6th Floor, New Haven,  
CT 06501, (203)865-2449.  
501 J Street, Suite 530, Sacramento, CA  
95814, (916)551-2802.  
1114 Market Street, Room 924, St. Louis,  
MO 63101, (314)425-4238.  
234 Summit Street, Room 305, Toledo, OH  
43604, (419)259-6434.  
350 South Main Street, Salt Lake City, UT  
84101, (801)524-5910.  
1800 G Street, NW., Washington, DC 20223,  
(202)525-5100.

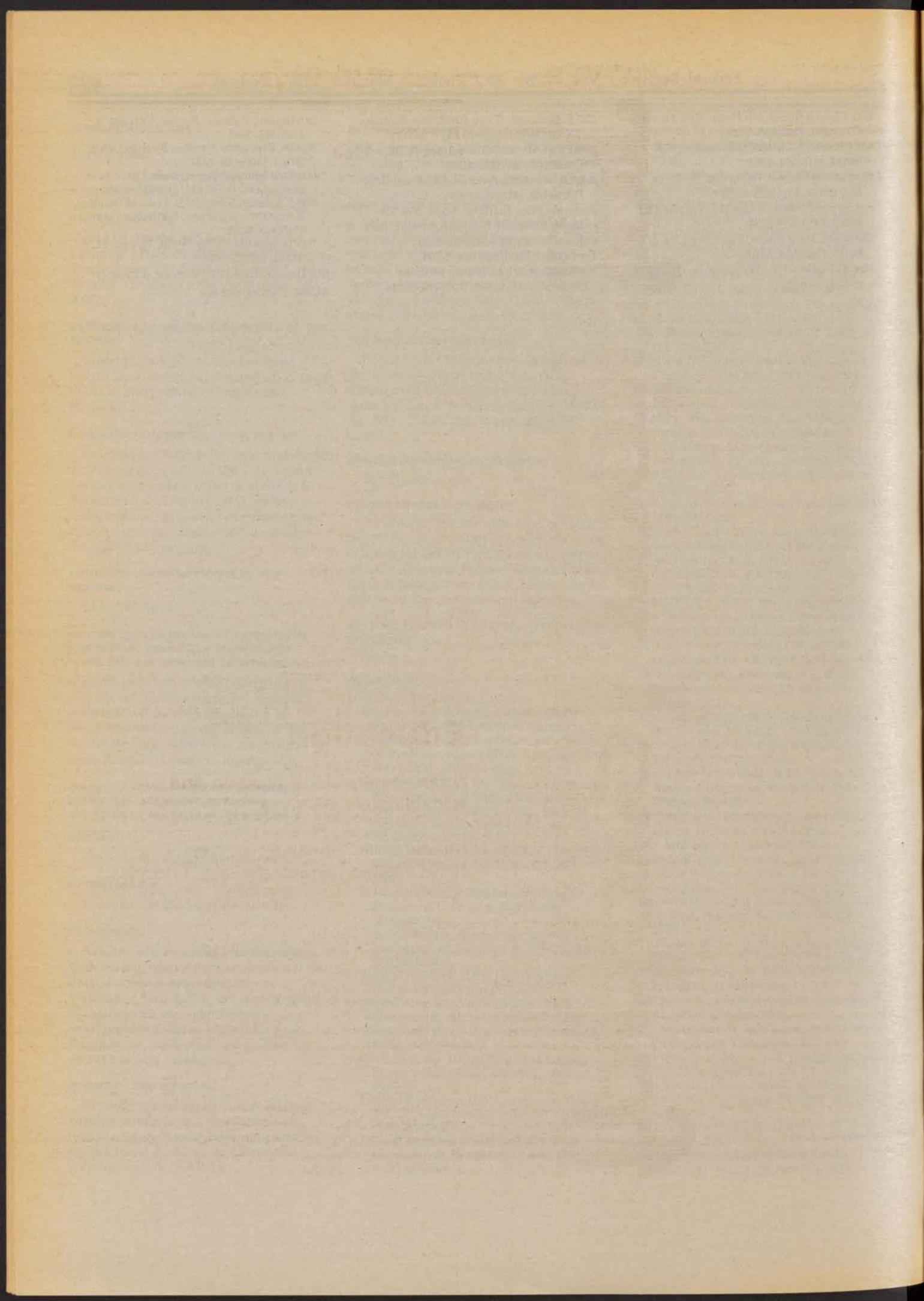
727 E. Durango, Room A602, San Antonio,  
TX 78206, (512)229-6175.  
880 Front Street, Suite 4-5-1, San Diego,  
CA 92188, (619)293-5640.  
450 Golden Gate Avenue, San Francisco,  
CA 94102, (415)556-6800.  
Federal Office Building, Room 539, 5th  
Floor, Chalos E. Chardon Avenue, San  
Juan, PR 00918, (809)753-4539.  
Post Office Building, Room 304,  
Washington and Linden Streets,  
Scranton, PA 18501, (717)346-5871.

915 Second Avenue, Seattle, WA 98174,  
(206)442-5495.  
920 W. Riverside Avenue, Spokane, WA  
99201, (509)456-2532.  
600 East Monroe Street, Suite 210,  
Springfield, IL 62701, (217)492-4033.  
100 S. Clinton Street, U.S. Federal Building,  
Room 1371, Syracuse, NY 13260,  
(315)423-5338.  
700 Twiggs Street, Suite 740, Tampa, FL  
33602, (813)228-2636.

[FR Doc. 88-2056 Filed 2-29-88; 8:45 am]

BILLING CODE 4810-42-M







# Fast Facts

---

Tuesday  
March 1, 1988

---

## Part III

### Department of Education

---

Office of Special Education and  
Rehabilitative Services

---

Research in Education of the  
Handicapped; Notice of Final Priorities



## DEPARTMENT OF EDUCATION

Office of Special Education and  
Rehabilitative ServicesResearch in Education of the  
Handicapped

AGENCY: Department of Education.

ACTION: Notice of final priorities.

**SUMMARY:** The Secretary announces annual funding priorities for the Research in Education of the Handicapped program to ensure effective use of program funds and to direct funds to areas of identified need during fiscal year 1988.

**EFFECTIVE DATE:** These priorities take effect either 45 days after publication in the *Federal Register* or later if the Congress takes certain adjournments. If you want to know the effective date of these priorities call or write the Department of Education contact person.

**FOR FURTHER INFORMATION CONTACT:** Linda Glidewell, Division of Innovation and Development, Office of Special Education Programs, Department of Education, 400 Maryland Avenue SW., (Switzer Building, Room 3094—M/S 2313), Washington, DC 20202. Telephone: (202) 732-1099.

**SUPPLEMENTARY INFORMATION:** The Research in Education of the Handicapped program, authorized by Part E of the Education of the Handicapped Act (20 U.S.C. 1441-1444), supports research, surveys, and demonstration projects relating to the educational and early intervention needs of children with handicaps. Under this program, the Secretary makes awards for research and related activities to assist special education personnel, related services personnel, early intervention personnel, and other appropriate persons, including parents, in improving the special education and related services and early intervention services for infants, toddlers, children, and youth with handicaps; and to conduct research, surveys, or demonstrations relating to the education of infants, toddlers, children, and youth with handicaps. Research and related activities supported under this program

must be designed to increase knowledge and understanding of handicapping conditions and services for infants, toddlers, children, and youth with handicaps, including physical education or recreation.

**Public Comment:** A notice of proposed funding priorities was published in the *Federal Register* on November 18, 1987 at 52 FR 44295. The public was given thirty days to comment on the proposed priorities. One comment was received in response to the proposed priorities. The comment and the Department's response is summarized below:

**Comment:** One commenter recommended that all studies dealing with the seriously emotionally disturbed (SED) should be required to use a single definition of SED, and thus focus on a "homogeneous population." Also, the commenter stated that the federal definition of SED was adequate and should be the required definition.

**Discussion:** The regulations governing this competition already include a definition of SED which applies to this priority. See 34 CFR 300.5(b)(8).

**Changes:** No change has been made.

## Priorities

In accordance with the Education Department General Administrative Regulations (EDGAR, 34 CFR 75.105(c)(3)), the Secretary gives an absolute preference under the Research in Education of the Handicapped program, CFDA No. 84.023, for fiscal year 1988 to applications that respond to the following priorities; that is, the Secretary will select for funding only those applications proposing projects that meet one of these priorities.

**Priority 1: School Building Models for Educating Students with Handicaps in General Education Settings (CFDA No. 84.023F1)**

This priority supports model projects that develop, implement, and evaluate school building models (models encompassing all classrooms in participating school buildings) for educating all students with handicaps in general education settings. Models must be based on previous research as these projects are intended to build on a growing information base of effective

strategies for providing assistance and support to general education classroom teachers, for managing school and classroom organization to provide more effective learning environments, for instruction to meet the needs of heterogeneous groups of learners, and for delivering special education services. Previous efforts, however, have generally examined the effects of a single strategy such as peer tutoring or teacher support teams. The current priority expands this by supporting projects that will select and synthesize multiple strategies into a model that will then be implemented and evaluated.

Projects funded under this priority must include, at minimum, strategies for: (a) Assisting teachers in analyzing and solving instructional and behavioral problems; (b) managing classrooms to maximize academic learning time for students with handicaps and other students; (c) providing appropriate instruction and learning opportunities for students with handicaps, at different academic level and with heterogeneous instructional and curricula needs; (d) consistently monitoring the progress of students and adjusting instruction based on the results of monitoring; and (e) appropriately delivering special education and related services designed to meet the unique, individual needs of students with handicaps within general education settings. Projects must also address critical implementation issues such as leadership, parental support, staff training and support, coordination, and provision of appropriate materials and equipment. Projects must develop and evaluate implementation procedure and materials that can be easily transported to other sites.

Applications submitted under this priority must have a conceptual framework for a school building model that includes the research evidence supporting the effectiveness of the specific strategies proposed. Procedures for addressing critical implementation issues must also be described. Finally, applicants shall describe the outcome measures that will be used to evaluate the effectiveness of the model in educating students with handicaps in general education settings, as well as its effectiveness in educating nonhandicapped students. Outcome



measures must include student progress in meeting instructional goals and objectives, including the goals and objectives stated in the Individualized Educational Program (IEP); referral rate for placement out of general education settings; academic learning time for both handicapped and nonhandicapped students or the time students are engaged in appropriate learning activities; and staff, parent, and student satisfaction with the comprehensive model and with its outcomes.

*Priority 2: Research for Educating Seriously Emotionally Disturbed Students (CFDA 84.023M1)*

The purpose of this priority is to support research projects that develop and test intervention strategies or components for educating seriously emotionally disturbed (SED) students enrolled at the upper elementary and secondary level. SED students participating in these projects must be selected from general or special

education settings, including day or residential programs that are public or private. The intervention strategies must be developed and tested within general education settings, i.e., regular or separate classes or both within general education schools. Regardless of the setting from which the SED students are drawn, it is expected that by the beginning of the final year of the project, the SED students exposed to the intervention strategies will be appropriately integrated within general education programs. Outcome measures for the projects must include indices of the integration of SED youth within programs for which services are provided primarily by or in tandem with general, not special education.

Applications submitted under this priority must provide a conceptual framework, based on previous research, that shows the hypothesized relationships between the intervention variables and the outcome measures

included in the proposed research activities. Investigators must research, document, and expand the effective knowledge base for the successful integration of SED youth in general education settings. The intervention components to be developed and tested and the overall conceptual framework must reflect an integrated, comprehensive approach to the delivery of services to SED youth within general education settings and must include strategies for providing the array of special education and related services needed by these students.

Authority: 20 U.S.C. 1441-1444.

Dated: February 16, 1988.

William J. Bennett,

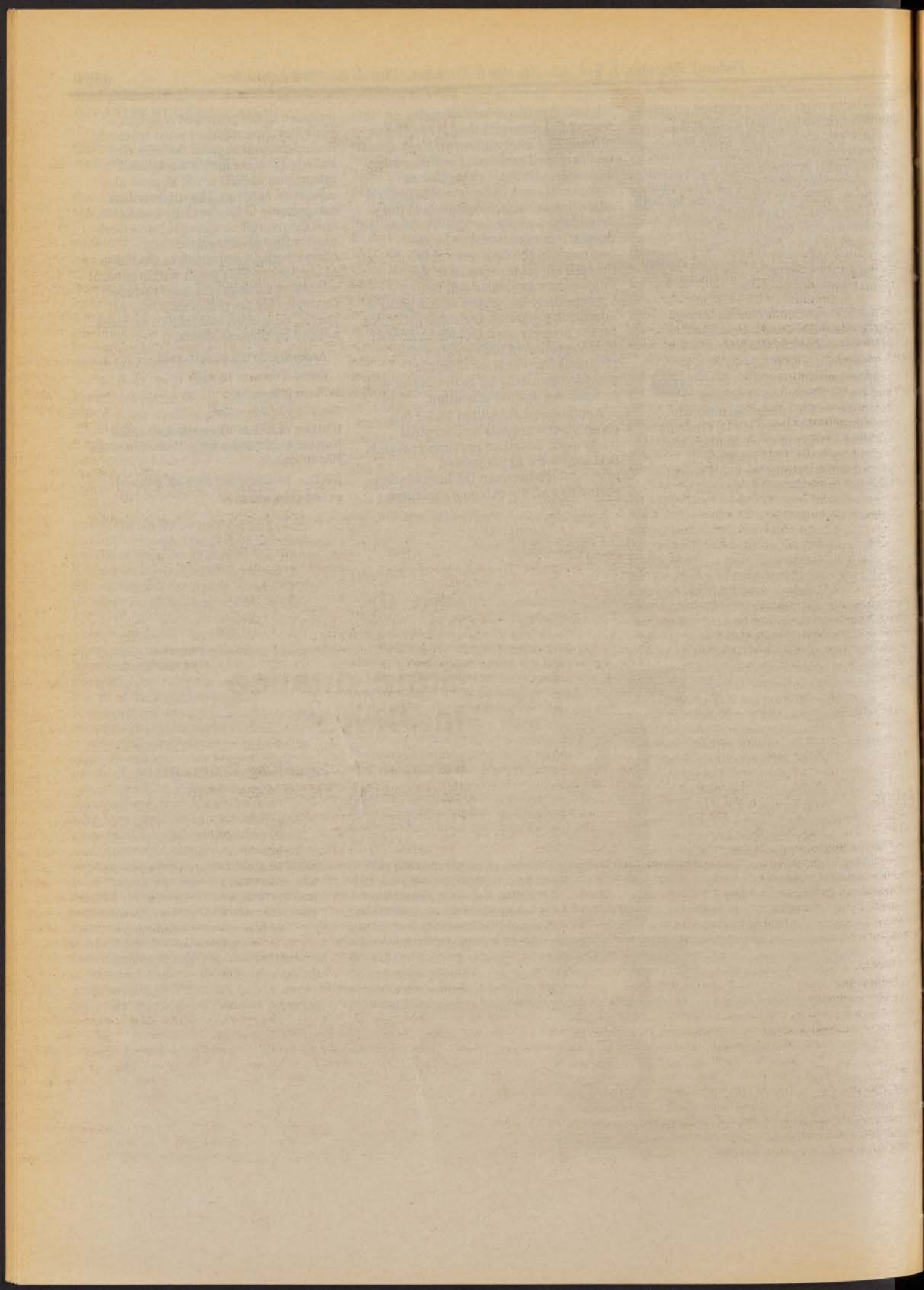
Secretary of Education.

(Catalog of Federal Domestic Assistance Number 84.023; Research in Education of the Handicapped)

[FR Doc. 88-4337 Filed 2-29-88; 8:45 am]

BILLING CODE 4000-01-M







# State Justice Institute

Tuesday  
March 1, 1988

## Part IV

## State Justice Institute

Notice of Final Funding Program  
Guideline for Fiscal Year 1988



## STATE JUSTICE INSTITUTE

### Funding Program Guideline for Fiscal Year 1988

**AGENCY:** State Justice Institute.

**ACTION:** Final guideline.

**SUMMARY:** This guideline presents the Institute's funding program for FY 1988, including a description of Special Interest categories and the procedures for requesting Institute funds.

**EFFECTIVE DATE:** March 31, 1988.

**FOR FURTHER INFORMATION CONTACT:** David I. Tevelin, Executive Director, or Richard Van Duizend, Deputy Director, at 120 South Fairfax Street, Alexandria, Virginia 22314, or at (703) 684-6100.

**SUPPLEMENTARY INFORMATION:** Pursuant to the State Justice Institute Act of 1984, Pub. L. 98-620, 42 U.S.C. 10701, *et seq.*, the Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the administration and quality of justice in the State courts of the United States. Approximately \$10 million will be available for award in FY 1988. The Institute's funding program is governed by this Program Guideline and the SJI Grant Guideline published in the *Federal Register* at 52 FR 26208 (July 13, 1987). Copies of both guidelines are available from the Institute.

On January 8, 1988, the Institute published its proposed FY 1988 Program Guideline in the *Federal Register* for public comment. 53 FR 600. The following issues were specifically highlighted for comment: The establishment of one round of funding in FY 1988, rather than the two conducted in FY 1987; the revision of the list of Special Interest categories; the allocation of a limited portion of grant funds for nonreplicable local projects; and the Institute's proposed approach to defining its role in the area of judicial education. Fourteen courts, judicial organizations, researchers, and other interested parties submitted comments. An analysis of the comments and the Institute's response to them is set forth below.

#### One Round of Funding

Only one commenter requested that two rounds of funding be conducted in FY 1988. The writer observed that projects disapproved in the first round could, with SJI's guidance, be revised and funded in a second round, without having to wait a full year for reconsideration. The Institute has retained one round of funding in the final Guideline, but will consider

beginning its FY 1989 funding cycle (or cycles) earlier in the fiscal year so that revised papers can be reconsidered in less than a year.

#### Revised Special Interest Categories

The proposed list of FY 1988 Special Interest categories was generally supported by a large majority of those commenting on the list. The topic generating the most comment in this area was the proposed category focusing on the unique needs of the largest urban trial courts. Critics of the proposal were concerned that it might divert significant amounts of money from other important areas, and that an exclusive category for those courts granted them an unwarranted favorable funding status. The Institute acknowledges that, as originally drafted, the guideline could have permitted a disproportionate share of funds to be awarded in this category. Accordingly, the final guideline has been revised to limit aggregate awards to projects in the category to no more than \$1 million (approximately 10% of available grant funds).

The "Future and the Courts" Special Interest category has been revised to specifically solicit proposals from universities, judicial organizations, and others to conduct periodic conferences focusing on the future of the courts. The envisioned conferences would use the newest developments in court administration and the most topical substantive issues confronting the State courts as "jumping off" points for exploration of the issues likely to confront the courts into the 21st century. A conference could focus on one or more themes, such as:

The impact that demographic changes in the American population over the next generation will have on the State courts;

The impact of genetic engineering on litigation;

How developments in chemistry, disease and disease control, engineering, computer design, and other sciences are likely to affect the courts;

How economic changes such as the development of a cashless society might affect American jurisprudence; or

The future structure of courts, court rules, due process, and the court system generally.

The Institute encourages an approach that would involve the participation of leaders in a variety of academic, professional, and scientific disciplines as well as judges, court administrators, and the legal profession. A plan to publish and disseminate the conference's proceedings to judicial and court administration audiences should also be presented. In order to permit

potential applicants sufficient time to plan and prepare their concept papers, a submission deadline of 5:30 p.m. EDT, July 5, 1988 has been established for this area only.

After further reflection, the Board of Directors has also reinstated "judicial career enhancement" as a Special Interest category. No other substantive changes were made in the proposed list.

#### Non-replicable Local Projects

This issue also was a subject of substantial comment. The two commenters arguing against funding for these projects contended that SJI should not fund purely local projects that States themselves have not chosen to fund. Proponents believed that the major needs of each State's courts were important factors for the Institute to consider even if the projects lacked replicability. After careful consideration, the Institute has retained this project area, but has limited the amount available for such projects to a total not to exceed \$500,000 (approximately 5% of available grant funds). The Board of Directors believes that SJI should attempt to be responsive to the critical needs of local courts that cannot be met solely from State or local resources within the foreseeable future, but that those projects should not significantly reduce the amount of funds available for projects of national importance.

#### Judicial Education.

A number of judicial education organizations and court agencies offered comments on SJI's plan to develop and define its role in the judicial education area. The Institute will take all of these comments into consideration as it refines its plans over the next several months. The Board will consider specific approaches at its meeting in Alexandria, Virginia on March 10-11, 1988. The timely input of the judicial education community and organizations representing the "consumers" of judicial education, i.e., the judges themselves, will be important aspects of the final approach adopted by the Institute. The Institute's primary goal in conducting the proposed study is to obtain the information it needs to make prudent judgments about how its limited funds can provide the most effective in-service and pre-service education for the nation's judges, with the greatest economy and efficiency. See section II.D.

#### Other

Two important procedural changes are made in the final guideline. The first is that concept paper applicants must



prepare a cover sheet presenting basic information about the proposal and the applicant. See section VI.A. The second, in response to the comments, is that grantees seeking continuation funding for SJI-supported projects need not submit a concept paper describing the project, but only a brief "letter of intent" explaining planned changes in the project, and estimating the amount to be requested. See section VI.B.

Applications for continuation projects will be due at the same time as others FY 1988 applications and must address specific issues regarding the continuation of the project. See section IX.E.

The final guideline also specifies that a decision by the Board to disapprove a concept paper or an application may not be appealed, but that disapproval does not prohibit the resubmission of the same, or a revised concept paper in a subsequent round of funding. See sections VI.E. and VII.E. In addition, the guideline requires that the products of a research, evaluation, or demonstration project should ordinarily include an article for publication in a law review or journal and/or an executive summary for dissemination to the primary intended users of the project's information. See section IX.C.6.

Finally, in order to more clearly implement Congress' intention that the Institute's programs also benefit the Federal courts and help the State courts enforce Federal constitutional and legislative requirements, sections VI.C.4. and VII.B.5. have been revised to indicate that, in reviewing a proposal, the Institute will also consider the extent to which it serves such Federal interests.

Other technical changes and minor revisions have been made for the purpose of clarifying the guideline.

#### Overview of Final Guideline

The final Program Guideline published below revises all or a portion of the following sections of the July 13, 1987 Grant Guideline: "Summary"; section I ("Background"); section II ("Special Interest Program Areas"); section V ("Types of Projects/Amounts of Award"); section VI ("Concept Paper Submission Requirements"); section VII ("Application Review Procedures"); section VIII ("Compliance Requirements"); section IX ("Application Requirements"); section XI ("Financial Requirements"); and section XIII ("Grant Adjustments").

For the sake of clarity, the Summary and sections II, V, VI, VII, and IX B., C., D. and E. are published in full below. Only the changes in the other sections are set forth. Unless expressly changed

below, all provisions of the Grant Guideline apply to the FY 1988 award process. SJI will distribute a looseleaf version of a complete Grant Guideline, including the changes made by this Program Guideline, to current grantees, FY 1988 applicants, and all designated State agencies responsible for administering Institute grants to State and local courts.

Under the timetable for FY 1988 grants, concept papers will be due on April 11, 1988. Following the Board's review of the papers in early June, applications will be due in mid-July. The Board expects to make funding decisions in late August.

#### Recommendations to Grantwriters

In Fiscal Year 1987, Institute staff reviewed over 325 concept papers. On the basis of those reviews, inquiries from applicants, and the views of the Board, the Institute offers the following recommendations to help potential applicants present workable, understandable proposals that can meet the funding criteria set forth in this guideline. The Institute suggests that applicants consider the following questions in developing concept papers:

1. *What is the subject or problem you wish to address?* Describe the subject or problem and how it affects the courts and the public; discuss how your approach will improve the situation or advance the state-of-the-art or knowledge; and explain why it is the most appropriate approach to take.

2. *What do you want to do?* The purpose of a project should be stated in simple, straightforward terms. To the greatest extent possible, an applicant should avoid a specialized vocabulary which is not readily understood by the general public. Technical jargon does not enhance a paper.

3. *How will you do it?* All proposed tasks should be set forth so that a reviewer can see a logical progression of tasks and relate those tasks directly to accomplishment of the project's goals. When in doubt about whether to provide a more detailed explanation or to assume a particular level of knowledge or expertise on the part of the reviewers, err on the side of caution and provide the additional information. A description of project tasks will also help identify necessary budget items. All staff positions and project costs should relate directly to the tasks described.

4. *How will you know it works?* Many concept papers did not present a definite plan for determining whether the proposed training, procedure, service, or technology accomplished the objective it was designed to meet. Every project design should include an

evaluation component which describes the specific measures that will be used to evaluate the project's effectiveness and identify program elements which will require further modification. The description should include how the evaluation will be conducted, when it will occur during the project period, who will conduct it, and what the evaluation criteria will be. In most instances, the evaluation should be conducted by persons not connected with the performance or administration of the project.

#### 5. How will others find out about it?

Every project design should include a plan to disseminate the results of the training, research, or demonstration beyond the jurisdictions and individuals directly affected by the project. The plan should identify the specific methods which will be used to inform the field about the project, such as the publication of law review or journal articles, presentations at appropriate conferences, or the distribution of key materials. A statement that a report or research findings "will be made available to" the field is not sufficient. The specific means of distribution or dissemination should be identified. Reproduction and dissemination costs are allowable budget items.

6. *What are the specific costs involved?* The budget for the project should be clearly presented and well justified. As presented in 3. above, the budgeted figures should relate directly to the various tasks of the project. Major budget categories such as personnel, benefits, travel, supplies, and equipment should be clearly identified. If indirect costs are to be applied to the project, a brief description of the proposed indirect cost rate should be included. Generally, an outline of costs involved and the basis used for determining those costs is sufficient for a concept paper.

The following Program Guideline is accordingly adopted by the State Justice Institute for Fiscal Year 1988:

#### Summary

This guideline sets forth the programmatic, financial, and administrative requirements of grants, cooperative agreements, and contracts awarded by the State Justice Institute. The Institute, a private nonprofit corporation established by an Act of Congress, is authorized to award grants, cooperative agreements and contracts to State and local courts and their agencies; national nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branch of State governments;



and national nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments.

The Institute may also award funds to other nonprofit organizations with expertise in judicial administration; institutions of higher education; individuals, partnerships, firms, or corporations; and private agencies with expertise in judicial administration if the objectives of the funded program can be better served by such an entity. Funds may also be awarded to Federal, State or local agencies and institutions other than courts for services that cannot be provided for adequately through nongovernmental arrangements.

Approximately \$10 million is available for grants, contracts, and cooperative agreements from FY 1988 appropriations. The Institute may also provide financial assistance in the form of interagency agreements with other grantors. The Institute will consider applications for funding support that address any of the areas specified in its enabling legislation; however, the Board of Directors of the Institute has designated certain program categories as being of special interest.

The Institute has established one round of competition for FY 1988 funds, with a concept paper submission deadline of April 11, 1988. This guideline applies to concept papers and formal applications submitted for FY 1988 funding.

The awards made by the State Justice Institute are governed by the requirements of this guideline and the authority conferred by Pub. L. 98-620, Title II, 42 U.S.C. 10701, *et seq.*

## I. Background

The Institute's program budget for Fiscal Year 1988 is approximately \$10 million.

## II. Scope of the Program

During FY 1988, the Institute will consider applications for funding support that address any of the areas specified in its enabling legislation. The Board has, however, designated certain program categories as being of "special interest." See section II.B.

### A. Authorized Program Areas

The State Justice Institute Act authorizes the Institute to fund projects addressing one or more of the following program areas:

1. Assistance to State and local court systems in establishing appropriate procedures for the selection and removal of judges and other court

personnel and in determining appropriate levels of compensation;

2. Education and training programs for judges and other court personnel for the performance of their general duties and for specialized functions, and national and regional conferences and seminars for the dissemination of information on new developments and innovative techniques;

3. Research on alternative means for using judicial and nonjudicial personnel in court decisionmaking activities, implementation of demonstration programs to test such innovative approaches, and evaluations of their effectiveness;

4. Studies of the appropriateness and efficacy of court organizations and financing structures in particular States, and support to States to implement plans for improved court organization and financing;

5. Support for State court planning and budgeting staffs and the provision of technical assistance in resource allocation and service forecasting techniques;

6. Studies of the adequacy of court management systems in State and local courts, and implementation and evaluation of innovative responses to records management, data processing, court personnel management, reporting and transcription of court proceedings, and juror utilization and management;

7. Collection and compilation of statistical data and other information on the work of the courts and on the work of other agencies which relate to and affect the work of courts;

8. Studies of the causes of trial and appellate court delay in resolving cases, and establishing and evaluating experimental programs for reducing case processing time;

9. Development and testing of methods for measuring the performance of judges and courts and experiments in the use of such measures to improve the functioning of judges and the courts;

10. Studies of court rules and procedures, discovery devices, and evidentiary standards to identify problems with the operation of such rules, procedures, devices, and standards; and the development of alternative approaches to better reconcile the requirements of due process with the need for swift and certain justice, and testing of the utility of those alternative approaches;

11. Studies of the outcomes of cases in selected areas to identify instances in which the substance of justice meted out by the courts diverges from public expectations of fairness, consistency, or equity; and the development, testing and

evaluation of alternative approaches to resolving cases in such problem areas;

12. Support for programs to increase court responsiveness to the needs of citizens through citizen education, improvement of court treatment of witnesses, victims, and jurors, and development of procedures for obtaining and using measures of public satisfaction with court processes to improve court performance;

13. Testing and evaluating experimental approaches to provide increased citizen access to justice, including processes which reduce the cost of litigation common grievances and alternative techniques and mechanisms for resolving disputes between citizens; and

14. Other programs, consistent with the purposes of the Act, as may be deemed appropriate by the Institute, including projects dealing with the relationship between Federal and State court systems in areas where there is concurrent State-Federal jurisdiction and where Federal courts, directly or indirectly, review State court proceedings.

Funds will *not* be made available for the ordinary, routine operation of court systems in any of these areas.

### B. Special Interest Program Areas

#### 1. General Description

The Institute is interested in funding both innovative programs and programs of proven merit that can be replicated in other jurisdictions. Although applications in any of the statutory program areas are eligible for funding in FY 1988, the Institute is especially interested in funding those projects that:

- Formulate new procedures and techniques, or creatively enhance existing arrangements to improve the courts;
- Address aspects of the State judicial systems that are in special need of serious attention;
- Have national significance in terms of their impact or replicability; and
- Either develop products that are easily available to and transferable among State and local courts, or provide technical assistance to transfer effective programs and procedures in any of the "special interest" categories to other State and local jurisdictions.

A project will be identified as a "Special Interest" project if it meets the four criteria set forth above and (1) it falls within the scope of the "special interest" program areas designated below or (2) information coming to the attention of the Institute from the State courts, their affiliated organizations, the



research literature, or other sources demonstrates that the project responds to another special need or interest of the State courts.

Concept papers and applications which address a "Special Interest" category will be accorded a preference in the rating process. (See the selection criteria listed in sections VI, "Concept Paper Submission Requirements" and VII, "Application Review Procedures.")

## 2. Specific Categories

The Board has designated the areas set forth below as "Special Interest" program categories. The order of listing does not imply any ordering of priorities among the categories.

a. *Judicial Career Enhancement.* This category includes the development and testing of innovative measures to encourage and enhance judicial careers, other than direct increases in salary.

b. *Education and Training for Judges and Other Key Court Personnel.* This category includes the improvement and coordination of existing court education programs; the preparation of court plans to ensure a comprehensive training program and the effective allocation of limited court education resources; the evaluation of existing programs; and the development of quality in-service and pre-service training programs and materials that will substantially improve the performance of judges and other court personnel.

Court education programs should apply innovative approaches to training which employ well-defined adult education techniques; sound methods for evaluating the effectiveness of the training; and new or revised curricula on key topics of concern to the judiciary, such as those identified in the SJI Special Interest categories and other topics that judges and court personnel themselves have identified as important. (See also section II.D, "Study of Judicial Education.")

c. *Alternative Dispute Resolution.* This category includes the evaluation of new and existing dispute resolution procedures and programs that have a substantial likelihood of resolving disputes more fairly, more expeditiously and less expensively than the traditional court process, with particular emphasis on the impact of those procedures and programs on the quality of justice provided and on court workload and case processing.

d. *The Future and the Courts.* This category includes research on the changing demands and circumstances that will face the courts in the 21st century, and the modifications that may be needed in court organization, financing, procedures, services,

personnel, and facilities to respond to those demands and circumstances.

The Board of Directors is specifically interested in receiving proposals from universities, judicial organizations, and others to conduct periodic conferences focusing on the future of the courts. The envisioned conferences would use the newest developments in court administration and the most topical substantive issues confronting the State courts as "jumping off" points for exploration of the issues likely to confront the courts into the 21st century. A conference could focus on one or more themes, such as:

The impact that demographic changes in the American population over the next generation will have on the State courts.

The impact of genetic engineering on litigation;

How developments in chemistry, disease and disease control, engineering, computer design, and other sciences are likely to affect the courts;

How economic changes such as the development of a cashless society might affect American jurisprudence; or

The future structure of courts, court rules, due process, and the court systems generally.

The Institute encourages an approach that would involve the participation of leaders in a variety of academic, professional, and scientific disciplines as well as judges, court administrators, and the legal profession. A plan to publish and disseminate the conference's proceedings to judicial and court administration audiences should also be presented. In order to permit potential applicants sufficient time to plan and prepare their concept papers, a submission deadline of 5:30 p.m., Eastern Daylight Time, July 5, 1988 has been established for papers proposing such a conference only.

e. *Application of Technology.* This category includes the testing of innovative applications of technology to improve the operation of court management systems and judicial practices at both the trial and appellate court levels, including, e.g., the publication of a court technology bulletin to assist judges and court managers in selecting technology appropriate to a court's needs; assessment of the usefulness of on-bench computer terminals; establishment and assessment of electronic bulletin boards for judges and other court personnel; and local experiments with promising but untested applications of technology in the courts (See paragraph XI.H.2.b. regarding the limits on the use of grant

funds to purchase equipment and software).

f. *Jury System Management.* This category includes the development, implementation and evaluation of legal and administrative procedures relating to jurors to ensure the representativeness of the juror pool, clarify jury instructions, expedite the jury selection and empanelment process without affecting fairness, and otherwise reduce the cost and enhance the fairness of the jury process.

g. *Reduction of Litigation Expense and Delay.* This category includes the implementation and evaluation of innovative programs and procedures designed to reduce substantially the expense and delay in civil, criminal, domestic relations, juvenile, and other types of litigation at the trial or appellate level or both, and the collection, compilation, and analysis of statistical data necessary for determining the causes of unnecessary expense and delay, isolating areas of concern, and evaluating the efficacy of solutions.

h. *Enforcement of Fines and Orders to Pay.* This category includes the implementation and evaluation of procedures for effectively imposing, collecting, and enforcing orders to pay fines, restitution, assessments, the cost of appointed or assigned counsel, and other obligations.

i. *Implications of AIDS for the Courts.* This category includes research regarding the implications of Acquired Immune Deficiency Syndrome for court decisions, procedures, and policies, including but not limited to such matters as pretrial release, sentencing, child custody, termination of parental rights, and the right to and termination of medical treatment.

j. *Programs and Procedures for Victims and Witnesses.* This category includes the implementation and evaluation of innovative court-based programs and procedures for providing fairer treatment for victims of crimes and witnesses in civil, criminal, domestic relations, juvenile and other types of cases, including procedures for the fair, effective, and efficient handling of domestic violence and child sexual abuse cases, the issuance and enforcement of protective orders, and the obtaining of testimony from children.

k. *Courthouse Security and Operation.* This category includes the implementation and evaluation of innovative techniques for improving courthouse security including methods for ensuring the safety of litigants, witnesses, counsel, court personnel and judges, other than through the hiring of



additional security personnel or the purchase of alarm or other security systems.

1. *The Relationship Between State and Federal Courts.* This category includes research to develop creative ideas and procedures that could improve the administration of justice in the State courts and at the same time reduce the work burdens of the Federal courts. Such research projects might address innovative State court procedures for:

Reducing the burdens attendant to Federal habeas corpus cases involving State convictions;

Handling civil, criminal, domestic relations or other types of cases in which a party is also subject to a Federal bankruptcy proceeding;

Processing complex multistate litigation in the State courts;

Facilitating the adjudication of Federal law questions by State courts with appropriate opportunities for review; and

Otherwise allocating judicial burdens between and among Federal and State courts.

Other areas of research would include studies examining the likely impact of the elimination or restriction of Federal diversity jurisdiction on the State courts and the factors that motivate litigants to select the Federal or State courts in cases in which there is concurrent jurisdiction.

m. *Special Needs of the Largest Urban Courts.* The Board is interested in considering projects submitted by State or local court systems regarding the implementation and evaluation of innovative programs and procedures to address critical areas of need in the limited and general jurisdiction trial courts serving the nation's largest cities (those with a population of at least 1,000,000 persons). Such projects might include the development and testing of improved methods to assist those courts in selecting, retaining and removing judges, or projects to relieve acute problems in the court's ability to handle civil, criminal, domestic relations, juvenile and other types of cases in a fair and timely manner. The Board will consider awarding grants of up to \$500,000 each to support projects in this category. Up to \$1,000,000 of available grant funds have been set aside to support such projects.

#### *C. Programs Addressing a Critical Need of a Single State or Local Jurisdiction*

1. The Board will consider supporting a limited number of projects submitted by a State or local court that relate only to a single State or local jurisdiction. Up to \$500,000 of available grant funds has been set aside for such projects.

2. Concept papers and applications requesting funds for projects under this section must meet the requirements of sections VI ("Concept Paper Submission Requirements") and IX ("Application Requirements") respectively, and must demonstrate that:

a. The proposed project is essential to meeting a critical need of the jurisdiction; and

b. The need cannot be met solely with State and local resources within the foreseeable future.

3. All awards under this category are subject to the matching requirements set forth in section VIII.B.

#### *D. Study of Judicial Education*

The Institute plans to commission research and policy papers to support a study of judicial education in order to determine how its funds can provide the most effective in-service and preservice education for the nation's State court judges, with the greatest economy and efficiency. These papers will be obtained through contracts that are not subject to the concept paper and application requirements of this guideline, but that are subject to the compliance and financial requirements set forth in sections VIII and XI.

#### *V. Types of Projects and Amounts of Awards*

Except as expressly provided in sections II.B.2.m. and II.C.1. above, the Institute has placed no limitation on the overall number of awards or the number of awards in each area of interest. The general types of projects are:

- A. Education and training;
- B. Research and evaluation;
- C. Demonstration; and
- D. Technical assistance.

Concept papers and applications may request funding in amounts up to \$300,000; a project addressing the needs of the largest urban courts under Special Interest category m. may, however, receive support of up to \$500,000. For other projects, awards in excess of \$200,000 are likely to be rare and to be made, if at all, only for highly promising proposals that will have a significant impact nationally.

Proposed grant periods for all projects should not exceed 24 months.

#### *VI. Concept Paper Submission Requirements*

Concept papers are an extremely important part of the application process because they enable the Institute to learn the program areas of primary interest to the courts and to explore innovative ideas, without imposing heavy burdens on prospective applicants. The use of concept papers

also permits the Institute to better project the nature and amount of grant awards. Because of their importance, the Institute requires all parties requesting financial assistance from the Institute (except those seeking continuation funding pursuant to section VI.B. and those producing judicial education study papers pursuant to section VI.D.) to submit concept papers prior to submitting a formal grant application. This requirement may be waived by the Board only if it determines that extraordinary circumstances exist to justify the waiver.

#### *A. Format and Content*

Concept papers must include a cover sheet and a narrative.

1. The cover sheet must contain:

- a. A title describing the proposed project;
- b. The name and address of the court, organization or individual submitting the paper; and
- c. The name, title, address (if different from that in b.), and telephone number of a contact person who can provide further information about the paper.

2. The narrative must be no more than 10 double-spaced pages on 8½ by 11 inch paper. Margins should not be less than 1 inch. The narrative should contain:

- a. A brief indication of the statutory program area(s), and "special interest" category(ies), if any, addressed by the paper;
- b. An explanation of the need for the project;
- c. A summary description of the approach to be taken;
- d. A summary description of how the project will be evaluated, including the evaluation criteria;
- e. A description of the products that will result, the degree to which they will be applicable to courts across the nation, and the manner in which the products and results of the project will be disseminated;
- f. An explanation of the expected benefits to be derived from the project;
- g. The identity of the key staff (if known) and a summary description of their qualifications;
- h. A preliminary budget estimate including the anticipated costs for personnel, fringe benefits, travel, equipment, supplies, contracts, indirect costs, and other anticipated major expenditure categories;
- i. The amount, nature (cash or non-cash), and source of match to be provided (see section VIII.B.); and
- j. A statement of whether financial assistance for the project has been or will be sought from other sources.



The Institute will not accept concept papers exceeding 10 pages. The page limit does not include letters of cooperation or endorsements. Additional material should not be attached unless it is essential to impart a clear understanding of the project.

#### *B. Special Requirements for Continuation Projects*

In lieu of a concept paper, grantees seeking continued funding for an SJI-supported project must file a letter stating their intent to submit an application for such funding. The letter must be no more than 3 single-spaced pages on 8½ by 11 inch paper and must contain an estimate of the amount to be requested and a brief description of anticipated changes in the scope, focus or audience of the project. Letters of intent will not be reviewed competitively pursuant to sections VI.C. and D., but are subject to the submission requirements set forth in section VI.E. Applications for continued funding are subject to the special requirements set forth in section IX.E.

#### *C. Selection Criteria*

1. All concept papers will be evaluated by the staff on the basis of the following criteria:

- The demonstration of need for the project;
- The soundness and innovativeness of the approach described;
- The benefits to be derived from the project; and
- The reasonableness of the proposed budget.

2. "Special Interest" category concept papers submitted pursuant to section II.B will also be rated on the proposed project's relationship to one of the "Special Interest" categories set forth in that section, and the degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

3. "Single jurisdiction" concept papers submitted pursuant to section II.C. will be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B, and on the special requirements listed in section II.C.2.

4. In determining which concept papers will be selected for development into full applications, the Institute will also consider the availability of financial assistance from other sources for the project; the amount and nature (cash or in-kind) of the submitter's anticipated match; whether the submitter is a "priority applicant" under the Institute's enabling legislation (see 42 U.S.C. 10705(b)(1) and section IV

above); and the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements.

#### *D. Review Process*

Concept papers will be competitively reviewed by the Board of Directors. Institute staff will prepare a narrative summary of each paper, and a rating sheet assigning points for each relevant selection criterion. Committees of the Board will review concept papers within assigned program areas and prepare recommendations for the full Board. The full Board of Directors will then decide which concept paper applicants should be invited to submit formal applications for funding. The decision to invite an application is solely that of the Board of Directors.

#### *E. Submission Requirements*

An original and six copies of all concept papers submitted for consideration in Fiscal Year 1988 must be received by the Institute on or before 5:30 p.m., Eastern Daylight Time, on April 11, 1988. All concept papers should be sent to State Justice Institute, 120 S. Fairfax Street, Alexandria, Virginia 22314.

Receipt of each concept paper will be acknowledged in writing. Extensions of the deadline for receipt of concept papers will not be granted.

The Board expects to meet in early June, 1988, to review the concept papers and invite applications. The Institute will send written notice to all persons submitting concept papers of the Board's decisions regarding their papers and of the key issues and questions that arose during the review process. A decision by the Board not to invite an application may not be appealed, but does not prohibit resubmission of the concept paper or a revision thereof in a subsequent round of funding.

#### *VII. Application Review Procedures*

Except as specified in Section VI, a formal application is to be submitted only upon invitation of the Board following review of a concept paper.

##### *A. Preliminary Inquiries*

The Institute staff will answer inquiries concerning application procedures. The staff contact will be named in the Institute's letter inviting submission of a formal application.

##### *B. Selection Criteria*

1. All applications will be rated on the basis of the criteria set forth below. The Institute will accord the greatest weight to the following criteria:

- The soundness of the methodology including the evaluation design;
- The qualifications of the project's staff;
- The applicant's management plan and organizational capabilities;
- The reasonableness of the proposed budget;
- The demonstration of need for the project;
- The products and benefits resulting from the project; and
- The demonstration of cooperation and support of other agencies that may be affected by the project.

2. "Special Interest" applications submitted pursuant to section II.B. will also be rated on the proposed project's relationship to one of the "Special Interest" categories set forth in that section, and the degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.

3. "Single jurisdiction" applications submitted pursuant to section II.C. will also be rated on the proposed project's relation to one of the "Special Interest" categories set forth in section II.B. and on the special requirements listed in section II.C.2.

4. "Continuation" applications will also be rated on the following criteria:

- The uniqueness of the training, service, or project;
- The key findings or recommendations set forth in the most recent evaluation of the project, if any, and how they will be addressed during the next project period;
- The credibility of the training, project, or service within the courts community;
- The effect of termination of the training, project, or service on the range of services needed by the State courts; and
- Significant changes in the scope or focus of the project, or key elements of the project design.

5. In determining which applicants to fund, the Institute will also consider the applicant's standing in relation to the statutory priorities discussed in section IV; the availability of financial assistance from other sources for the project; and amount and nature (cash or in-kind) of the applicant's match; and the extent to which the proposed project would also benefit the Federal courts or help the State courts enforce Federal constitutional and legislative requirements.

##### *C. Review and Approval Process*

Applications will be competitively reviewed by the Board of Directors of



the Institute. The Institute staff will prepare a narrative summary of each application, and a rating sheet assigning points for each relevant selection criterion. When necessary, applications may also be reviewed by outside experts. Committees of the Board will review applications within assigned program categories and prepare recommendations to the full Board. The full Board of Directors will then decide which applications to approve for a grant. The decision to award a grant is solely that of the Board of Directors.

Awards approved by the Board will be signed by the Chairman of the Board on behalf of the Institute.

#### *D. Return Policy*

Unless a specific request is made, unsuccessful applications will not be returned. Applicants are advised that Institute records are subject to the provision of the Federal Freedom of Information Act, 5 U.S.C. 552.

#### *E. Notification of Board Decision*

The Institute will send written notice to applicants concerning all Board decisions to approve or deny their respective applications and the key issues and questions that arose during the review process. A decision by the Board to deny an application may not be appealed, but does not prohibit resubmission of a concept paper based on that application in a subsequent round of funding.

### **VIII. Compliance Requirements**

#### *P. Charges for Grant-Related Products.*

When Institute funds fully cover the cost of developing, producing, and disseminating a product, e.g., a document or software, the product should be distributed to the field without charge. When Institute funds only partially cover the development, production, and dissemination costs, the grantee may recover its costs for reproducing and disseminating the material to those requesting it.

#### *Q. Approval of Key Staff.*

If the qualifications of a person assigned to a key project staff position are not described in the application or if there is a change of a person assigned to such a position, a recipient shall submit a description of the qualifications of the newly assigned person to the Institute. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from the Institute before the salary of that person and associated

costs may be paid or reimbursed from grant funds.

### **IX. Application Requirements**

#### *B. Project Abstract*

The abstract should highlight the purposes, goals, methods and anticipated benefits of the proposed project. It should not exceed one single-spaced page on 8½ by 11 inch paper.

#### *C. Program Narrative*

The program narrative should not exceed 25 double-spaced pages on 8½ by 11 inch paper. Margins should not be less than 1 inch. The page limit does not include appendices containing resumes and letters of cooperation or endorsement. Additional background material may be attached only if it is essential to obtaining a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

The program narrative should address the following topics:

1. *Project Objectives.* A clear, concise statement of what the proposed project is intended to accomplish.
2. *Program Areas to be Covered.* A discussion of the relationship of the proposed work to the program areas listed in the State Justice Institute Act, and, if appropriate, the Institute's Special Interest program categories.
3. *Need for the Project.* If the project is to be conducted in a specific location(s), a discussion of the particular needs of the project site(s) to be addressed by the project and why those needs are not being met through the use of existing materials, programs, procedures, services or other resources.

If the project is not site specific, a discussion of the problems that the proposed project will address, and why existing materials, programs, procedures, services or other resources do not adequately resolve those problems. The discussion should include specific references to the relevant literature and to the experience in the field.

4. *Tasks and Methods.* A delineation of the tasks to be performed and the methods to be used for accomplishing each task. For example:

*For research and evaluation projects,* the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results.

*For education and training projects,* the instructional methods to be used; the proposed number and length of the

conferences, courses, seminars or workshops to be conducted; the materials to be provided and how they will be developed; the audience anticipated and how it will be obtained; the cost to participants; and the methods to be used for evaluating the usefulness and effectiveness of the training.

*For demonstration projects,* how the sites will be identified and their cooperation obtained; how the program or procedures will be implemented and monitored; and how the results of the demonstration will be determined and assessed.

*For technical assistance projects,* the types of assistance that will be provided; the particular program area(s) for which assistance will be provided; how requests will be obtained and the type of assistance determined; how suitable providers will be selected and briefed; how reports will be reviewed; the cost to recipients; and how the usefulness and impact of the technical assistance will be determined and assessed.

If the cooperation of courts, organizations, agencies, or individuals other than the applicant is required to conduct the project, written assurances of cooperation and availability should be attached as an appendix.

5. *Project Management.* A detailed management plan including the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that will be used to ensure that all tasks are performed on time, within budget, and at the highest level of quality. The management plan must also provide for the submission of Quarterly Progress and Financial Reports within 30 days of the close of each calendar quarter.

6. *Products.* A description of the products to be developed by the project (e.g., monographs, training curricula and materials, videotapes, articles, or handbooks), including when they will be submitted to the Institute. The application must explain how and to whom the products will be disseminated; identify development, production, and dissemination costs covered by the project budget; and present the basis on which products and services developed or provided under the grant will be offered to the courts community and the public at large. Ordinarily, the products of a research, evaluation, or demonstration project should include an article summarizing the project findings that is publishable in a journal serving the courts community nationally, an executive



summary that will be disseminated to the project's primary audience, or both.

**7. Applicant Status.** A statement demonstrating whether the applicant (if the applicant is not a State or local court) qualifies as either a national non-profit organization controlled by, operated in conjunction with, and serving the judicial branches of State governments; or a national non-profit organization for the education and training of State court judges and support personnel. See section IV. An applicant other than a State or local court that may qualify as a priority recipient pursuant to 42 U.S.C. 10705 (b)(1)(B) or (1)(C) must set forth the basis for designation as a priority recipient in its application. If the applicant is neither such an organization nor a State court, this section must demonstrate how it will serve the objectives of the relevant program area(s) in terms of replicability and other appropriate factors. Non-judicial units of Federal, State, or local government must demonstrate that the proposed services are not available from non-governmental sources.

**8. Staff Capability.** A summary of the training and experience of the key staff members that qualify them for conducting and managing the proposed project. If one or more key staff members are not known at the time of the application, a description of the criteria that will be used to select persons for these positions should be included.

**9. Organizational Capacity.** A statement describing the capacity of the applicant to administer grant funds including the financial systems used to monitor project expenditures (and income, if any), documentation of the applicant's 501(c) tax exempt status as determined by the Internal Revenue Service, and a summary of the applicant's past experience in administering grants, as well as any resources or capabilities that the applicant has that will particularly assist in the successful completion of the project.

If the applicant is a non-profit organization (other than a university), it must also provide a copy of a current certified audit report. For purposes of this requirement, "current" means no earlier than two years prior to the current calendar year. If a current audit report is not available, the Institute will require the organization to complete a financial capability questionnaire which must be certified by a Certified Public Accountant. Other applicants may be required to provide a current audit report, a financial capability

questionnaire, or both, if specifically requested to do so by the Institute.

#### *D. Budget Narrative*

The budget narrative should provide the basis for the computation of all project-related costs. Additional background or schedules may be attached only if they are essential to obtaining a clear understanding of the proposed budget. Numerous and lengthy appendices are strongly discouraged. The budget narrative should address the following items.

**1. Justification of Personnel Compensation.** The applicant should address the basis for personnel compensation and explain any deviations from current rates or established written organization policies.

**2. Fringe Benefit Computation.** The applicant should provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented as well as a description of the elements included in the determination of the percentage rate.

**3. Consultant/Contractual Services.** The applicant should describe each type of service to be provided. The basis for compensation rates and the method for selection should also be included. Rates for consultant services must be set in accordance with Section XI.H.2.

**4. Travel.** Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates shall be consistent with those established by the Institute. (A copy of the Institute's travel policy is available upon request.) The budget narrative should include a description of the rate method used and address per diem separate from transportation expenses. The purpose for travel should also be included in the narrative.

**5. Equipment.** Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the objectives of the project. The applicant should describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative should clearly identify which equipment is to be leased and which is to be purchased. The method of procurement should also be described. Purchases for automatic data processing equipment must comply with section XI.H.2.b.

**6. Supplies.** The applicant should provide a general description of the

supplies necessary to accomplish the goals and objectives of the grant.

**7. Construction.** Construction expenses are prohibited except for the limited purposes set forth in section VIII.G.2. Any allowable construction or renovation expense should be described in detail in the budget narrative.

**8. Telephone.** Applicants should include anticipated telephone charges, distinguishing between monthly charges and long distance charges in the budget narrative.

**9. Postage.** Anticipated postage costs for project-related mailings should be described in the budget narrative. The cost of special mailings such as for a survey or for announcing a workshop should be distinguished from routine operational mailing costs.

**10. Printing/Photocopying.** Anticipated costs for printing or photocopying should be included in the budget narrative.

**11. Indirect Costs.** Applicants should describe the indirect cost rates applicable to the grant in detail. These rates must be established in accordance with section XI.H.3.

**12. Match.** The applicant should describe the source of any matching contribution and the nature of the match provided. Any additional contributions to the project should be described in this section of the budget narrative as well.

#### *E. Special Requirements for Continuation Projects*

Applications requesting continuation funding may summarize the descriptions of the needs to be addressed, the tasks and methods, anticipated products, staff capability, and organizational capacity if these elements are unchanged from those presented in the previous application. However, changes to any of these elements, the scope or focus of the project, or the intended audience must be fully explained. In addition, applications requesting continuation funding should include the following:

**1.** A description of how the training, service, or project uniquely meets an important need of its intended audience.

Uniqueness encompasses specific aspects of the training, service, or project itself as well as the specific audience (e.g., appellate court judges) for whom it is intended.

**2.** A discussion of the degree to which the courts community is using the training, service, or project during the previous project period.

Use should be measured in terms of the length of time the project or service has been offered and the frequency with which the courts took advantage of the project or service.



3. A discussion of the key findings or recommendations set forth in the most recent evaluation, if any, of the project, and an explanation of how they will be addressed during the next project period.

Enhancements to the original project design in response to evaluation findings should be described or, conversely, the reasons why improvements are not required should be presented.

4. A discussion of the effects of termination of this project or service on the State courts.

To what extent would the efficient administration of the courts or the quality of justice suffer if this research, training, or service were not available?

5. An explanation of why other sources of support are inadequate, inappropriate or unavailable.

An explanation should be provided of steps taken to obtain other support, e.g., from State legislatures, existing operating funds, or those served by the program.

6. An explanation of any increase or decrease in the amount of funds requested from that previously requested.

Changes in funding levels should be discussed in terms of corresponding increases or decreases in the scope of activities or services to be rendered. The Institute may also request applicants to develop a plan for phasing out Institute support.

#### **XI. Financial Requirements**

##### *G. Payments and Financial Reporting Requirements*

#### **2. Financial Reporting**

In order to obtain financial information concerning the use of funds, the Institute requires that grantees/subgrantees of these funds submit timely reports for review.

The Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days

after the close of the calendar quarter. It is designed to provide financial information relating to Institute funds, State and local matching shares, and any other fund sources included in the approved project budget. The report contains information on obligations as well as outlays. A copy of the Financial Status Report, along the instructions for its preparation, will be included in the official Institute Award package. In circumstances where an organization requests substantial payments for a project prior to the completion of a given quarter, the Institute may request a brief summary of the amount requested, by object class, in support of the Request for Advance or Reimbursement.

##### *H. Allowability of Costs*

#### **2. Costs Requiring Prior Approval**

b. *Equipment.* Grant funds may be used to purchase or lease only that equipment which is essential to accomplishing the goals and objectives of the project. The written prior approval of the Institute is required when the amount of automated data processing (ADP) equipment to be purchased or leased exceeds \$10,000 or the software to be purchased exceeds \$3,000.

##### *J. Audit Requirements*

#### **2. Implementation**

Each grantee (including a State or local court receiving a subgrant from the State Supreme Court) shall provide for an annual fiscal audit. The audit may be of the entire grantee organization (e.g., a university) or of the specific project funded by the Institute. The audit shall be conducted by an independent Certified Public Accountant, or a State or local agency authorized to audit government agencies. The audit shall be conducted in compliance with generally accepted auditing standards established by the American Institute of Certified Public Accountants. A written report

shall be prepared upon completion of the audit. Grantees are responsible for submitting copies of the reports to the Institute within thirty days after the acceptance of the report by the grantee, for each year that there is financial activity involving Institute funds.

#### **XII. Grant Adjustments**

##### *A. Grant Adjustments Requiring Prior Written Approval*

7. The assignment of a person to a key staff position whose qualifications were not described in the application, or a change of a person assigned to a key project staff position (see section VIII.Q).

8. A successor in interest or name change agreements.

9. A transfer or contracting out of grant-supported activities (see section XII.H.).

10. Preagreement costs, the purchase of automated data processing equipment and software, and consultant rates, as specified in section XI.H.2.

#### **State Justice Institute Board of Directors**

C. C. Torbert, Jr., Chairman, Chief Justice, Supreme Court of Alabama

Rodney A. Peoples, Vice Chairman, Resident Judge, Second Judicial Circuit, South Carolina

John F. Daffron, Jr., Secretary, Judge, Chesterfield, Virginia Circuit Court

Larry P. Polansky, Treasurer, Executive Officer, District of Columbia Courts

James Duke Cameron, Justice, Supreme Court of Arizona

Lawrence H. Cooke, White, Brenner, and Feigenbaum, Albany, New York

Ralph Erickstad, Chief Justice, Supreme Court of North Dakota

Janice Gradwohl, Judge, County Court, Lincoln, Nebraska

Daniel J. Meador, Professor of Law, University of Virginia Law School

Sandra A. O'Connor, States Attorney of Baltimore County, Towson, Maryland

David I. Tevelin,

*Executive Director.*

[FR Doc. 88-4363 Filed 2-29-88; 8:45 am]

BILLING CODE 6820-SC-M



# Guaranteed Student Loan Program

---

Tuesday  
March 1, 1988

---

## Part V

## Department of Education

---

### Office of Postsecondary Education

---

Guaranteed Student Loan Program, SLS  
Program, PLUS Program, and  
Consolidation Loan Program; Notice of  
Special Allowance for Quarter Ending  
December 31, 1987



Department of Education  
Office of Postsecondary Education  
Washington, D.C. 20540

Dear Mr. [Name]:

Reference is made to your letter of [Date] regarding [Subject].

The Department is currently reviewing your request and will respond to you as soon as possible.

Very truly yours,

[Signature]

[Title]

Enclosed for you are [Number] copies of [Document Name].

Very truly yours,

[Signature]

[Title]

Enclosed for you are [Number] copies of [Document Name].

Very truly yours,

[Signature]

[Title]

Enclosed for you are [Number] copies of [Document Name].

Very truly yours,

[Signature]

Top Secret

Office of Postsecondary Education  
Washington, D.C. 20540  
[Address]  
[City]  
[State]  
[Zip]  
[Phone]  
[Fax]  
[Telex]  
[Email]  
[Web]  
[Social Media]  
[Other Contact Info]



## DEPARTMENT OF EDUCATION

## Office of Postsecondary Education

Guaranteed Student Loan Program,  
SLS Program, PLUS Program, and  
Consolidation Loan Program

AGENCY: Department of Education.

ACTION: Notice of Special Allowance for  
Quarter Ending December 31, 1987.

The Assistant Secretary for Postsecondary Education announces a special allowance to holders of eligible loans made under the Guaranteed Student Loan Program (GSLP), the Supplemental Loans for Students (SLS) Program, the PLUS Program or the Consolidation Loan Program. This special allowance is provided for under section 438 of the Higher Education Act of 1965 (the Act), as amended (20 U.S.C. 1087-1).

Except for loans subject to section 438(b)(2)(B) of the Act, 20 U.S.C. 1087-1(b)(2)(B), for the quarter ending December 31, 1987, the special allowance will be paid at the following rates:

Applicable interest rate (percent)	Annual special allowance rate (percent)	Special allowance rate (percent) for quarter ending December 31, 1987
I. GSLP, PLUS or Consolidation loans made prior to October 1, 1981:		
7.....	2.75	0.6875
9.....	0.75	0.1875
II. GSLP, SLS or PLUS loans made on or after October 1, 1981, but prior to November 16, 1986, for periods of enrollment beginning prior to November 16, 1986; Consolidation loans made on or after October 1, 1981, but prior to November 16, 1986:		
7.....	2.67	0.6675
8.....	1.67	0.4175
9.....	0.67	0.1675
12.....	0.00	0.00
14.....	0.00	0.00
III. GSLP loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986; SLS or PLUS loans made at a fixed rate of interest either on or after November 16, 1986, or for periods of enrollment beginning on or after November 16, 1986; Consolidation loans made on or after November 16, 1986:		
7.....	2.42	0.605
8.....	1.42	0.355
9.....	0.42	0.105
10.....	0.00	0.00
11.....	0.00	0.00
12.....	0.00	0.00
13.....	0.00	0.00
14.....	0.00	0.00

The Assistant Secretary determines the special allowance rate in the manner specified in the Act, for loans at each applicable interest rate, by making the following four calculations:

(a) *Step 1.* Determine the average bond equivalent rate of the 91-day Treasury bills auctioned during the

quarter for which this notice applies (6.17 percent for the quarter ending December 31, 1987);

(b) *Step 2.* Subtract from the average the applicable interest rate of loans for which a holder is requesting payment;

(c) *Step 3.* (1) Add 3.5 percent to the remainder, and, in the case of loans made before October 1, 1981, round the sum upward to the nearest one-eighth of one percent; or

(2) Add 3.25 percent in the case of (i) GSLP loans made on or after November 16, 1986, or made for periods of enrollment beginning on or after November 16, 1986, (ii) SLS or PLUS loans made at a fixed rate of interest either on or after November 16, 1986, or for periods of enrollment beginning on or after November 16, 1986, or (iii) Consolidation loans made on or after November 16, 1986; and

(d) *Step 4.* Divide the resulting percent in Step 3 (either (c)(1) or (c)(2), as applicable) by four.

## FOR FURTHER INFORMATION CONTACT:

Ralph B. Madden, Program Analyst,  
Guaranteed Student Loan Branch,  
Division of Policy and Program  
Development, Department of Education  
on (202) 732-4242.

(Catalog of Federal Domestic Assistance No. 84.032, Guaranteed Student Loan Program and PLUS program)

Dated: February 23, 1988.

C. Ronald Kimberling,

Assistant Secretary for Postsecondary  
Education.

[FR Doc. 88-4382 Filed 2-29-88; 8:45 am]

BILLING CODE 4000-01-M







# Test Report

Tuesday  
March 1, 1988

## Part VI

## Department of Labor

### Employment and Training Administration

Request for Applications to Conduct a  
Self-Employment Demonstration Project  
for Structurally Unemployed Workers;  
Notice of Application Period



**DEPARTMENT OF LABOR****Employment and Training  
Administration****Request for Applications to Conduct a  
Self-Employment Demonstration  
Project for Structurally Unemployed  
Workers****AGENCY:** Employment and Training  
Administration, Labor.**ACTION:** Notice of application period.

**SUMMARY:** The Omnibus Budget Reconciliation Act of 1987 includes section 9152, "Demonstration Program to Provide Self-Employment Allowances for Eligible Individuals," which requires the Secretary of Labor to carry out a self-employment demonstration project, select and enter into agreements with three States that will operate the demonstration, analyze the benefits and costs of the demonstration, and submit reports to Congress two and four years after enactment. The purpose of this notice is to request applications from States that would like to conduct a self-employment demonstration project under this Act pursuant to an agreement with the Department of Labor. This notice describes the process that States should use for submitting applications to conduct a demonstration project to the Department of Labor, how States are to be selected for participation in the demonstration, Federal and State responsibilities for the project, and how the self-employment allowances are to be paid and financed.

**DATE:** State applications to conduct a self-employment demonstration project under section 9152 of the Budget Reconciliation Act of 1987 must be received by close of business on May 2, 1988.

**ADDRESS:** Send applications to the Unemployment Insurance Service, Employment and Training Administration, Room S-4231, 200 Constitution Avenue NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Carolyn M. Golding, Director, Unemployment Insurance Service, Employment and Training Administration, 200 Constitution Avenue NW., Washington, DC 20210. Telephone: 202-535-0600.

**SUPPLEMENTARY INFORMATION:****Background**

Section 9152 of the Omnibus Budget Reconciliation Act of 1987, hereafter referred to as "the Act", requires the Secretary of Labor to enter into agreements with three States to conduct a self-employment demonstration

project, hereafter referred to as the "Three-State Self-Employment Demonstration Project." This project will test the impacts and determine the costs and benefits of providing self-employment allowances to unemployment insurance recipients to assist them in starting their own small businesses. The Department of Labor (DOL) will take an active role in the design, monitoring, and evaluation of the Three-State Self-Employment Demonstration Project as part of its broader effort to test "alternative uses" of the unemployment insurance system to deal with structural unemployment problems.

Unemployment Insurance (UI) has provided short-term income support to unemployed workers for over fifty years. The UI system was originally designed to deal with workers who were unemployed to temporary downturns in economic conditions; when the economy picked up, they returned to similar work. Today, however, changes in the U.S. economy—such as intense global competition and rapidly changing technologies—have caused many workers to be permanently laid off from their jobs.

A series of recent projects are testing alternative ways that the UI system may be used to identify these structurally unemployed workers—who make up only a portion of UI claimants—early in their UI benefit period and provide them with assistance in making the transition to new employment. Self-employment is one strategy for assisting structurally unemployed workers in returning to work.

The idea of using the UI system to promote self-employment is based on programs in several foreign countries—particularly Great Britain and France—that encourage the unemployed to use their existing skills to create jobs for themselves. This concept involves making all or a portion of the benefits a claimant would receive while looking for a job available to claimants who become self-employed in the form of a self-employment allowance. These self-employment allowances are paid to eligible claimants in lieu of their regular or extended UI benefits. In addition, claimants would receive training in operating a business and other supportive services, such as management assistance, to help them gain a solid foothold in the business world.

**Self-Employment Allowance Definitions  
and Limitations**

Section 9152 of the Act contains a number of major provisions defining and limiting self-employment allowances

under this demonstration project. These definitions and limitations are listed below.

(1) The terms "compensation", "extended compensation", "regular compensation", "benefit year", "State", and "State law" have the respective meanings given to these terms by section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (Section 9152(i)(3)). (Hereafter, the benefit terms used are UI, regular benefits, and extended benefits).

(2) Self-Employment Allowances: Self-employment allowances are "compensation paid under this section for the purpose of assisting an eligible individual with such individual's self-employment" (section 9152(i)(2)). In general, self-employment allowances are to be made in the same amount, on the same terms, and subject to the same conditions as regular or extended benefits paid by the State (section 9152(c)(2)).

(3) Limitation on Self-Employment Allowance Payments: The amount paid to an eligible individual for self-employment allowances under the demonstration may not exceed the total amount that could be paid to that individual under State law for regular or extended compensation with respect to the individual's benefit year.

(4) An Eligible Individual: An "eligible individual" for the purpose of receiving self-employment allowances and other services means, with respect to any benefit year, an individual who: Is eligible to receive regular or extended benefits during such benefit year; is likely to receive UI for the maximum number of weeks that such compensation is available under State law during such benefit year; submits an application to the State agency for a self-employment allowance; and meets other applicable State requirements (section 9152(i)(1)).

(5) Limitation on Eligible Individuals: The number of individuals who may be considered as eligible individuals for a State during a fiscal year must not be more than the lesser of: Three percent of the number of individuals eligible to receive regular benefits in the State at the beginning of such fiscal year; or the number of persons who exhausted their UI benefits in the previous fiscal year. Self-employment allowances will be made available in demonstration States to eligible individuals who enroll within a period of three years after the agreement is entered into (section 9152(c)(1)).

(6) Special Conditions: The Act specifies two major exceptions to



normal State rules regarding the payment of unemployment compensation for any individual who receives a self-employment allowance. These two conditions, which are essential to carrying out the Three-State Self-Employment Demonstration Project, are as follows:

- a. "State and Federal requirements relating to availability for work, active search for work, or refusal to accept suitable work shall not apply to such individual" (section 9152(c)(2)(A)), and
- b. "Such individual shall be considered to be unemployed for purposes of the State and Federal laws applicable to unemployment compensation" (section 9152(c)(2)(B)), as long as the individual meets the requirements applicable under section 9152 to the individual.

#### Selection of States

##### (1) Selection Process and Initiation of the Demonstration

Pursuant to section 9152 of the Omnibus Budget Reconciliation Act of 1987, the Secretary of Labor plans to enter into agreements with three States that will operate the Three-State Self-Employment Demonstration Project. State selection will be competitive and made from among States that: (1) Apply to participate in the project, and (2) demonstrate that they are capable of implementing the provisions of the agreement.

The selection of States for the Three-State Self-Employment Demonstration Project will be made from *timely* applications submitted to the UIS National Office, by States that demonstrate their ability to meet the legal, funding, and administrative requirements set forth in section 9152 of the Act, and State qualifications with regard to each of the selection criteria outlined below. Information submitted as part of State applications will be the primary source relied on in the selection process. However, that information may be supplemented by clarifying material gathered by telephone or during on-site visits. Final selection is scheduled for May 1988.

DOL will sign a cooperative agreement with each of the States selected for the Three-State Self-Employment Demonstration Project by May 1988. The project will enroll participants for a period of three years, beginning on the date the agreement is entered into (section 9152(c)(1)). Specifically, the project will enroll participants beginning in January 1989 and ending in December 1991. The demonstration project will be based on an experimental design with random

assignment of participants between a treatment group that receives demonstration services and a control group. DOL will fund the research and evaluation activities for the demonstration, including the experimental design, monitoring, and evaluation of the demonstration project.

##### (2) Application Procedures

Interested States must submit an application to conduct a self-employment demonstration under the Act to the Assistant Secretary for Employment and Training within 60 days of the date of publication of this document in the *Federal Register*. This application must demonstrate that the State is capable of implementing the provisions of an agreement. Specifically, this application must include:

- a. A package of materials describing the current situation in the State with regard to self-employment opportunities and business support services, and directly addressing each of the selection criteria outlined below. The package must include an overall State plan for operating the project, including proposed plans for organizing and staffing, and a contact person who can respond to DOL requests for additional information. The package must also demonstrate that the State can meet the following financial, legal, and administrative requirements:

1. The State must document the availability of the necessary State funds for successful completion of the demonstration project, including both State UI trust fund monies for the self-employment allowances (as permitted under section 9152(e) of the Act) and State general fund (non-trust fund) monies for the administrative costs associated with the project (section 9152(f)), and

2. Existing State unemployment compensation law and its interpretation must permit the State to pay self-employment allowances to eligible individuals (as defined in the Act); waive requirements relating to availability for work, active search for work, or refusal to accept suitable work (section 9152(c)(2)(A)); and consider eligible individuals who choose to become self-employed as being unemployed for purposes of their eligibility for unemployment compensation (section 9152(c)(2)(B)).

- b. A letter from the Governor to the Assistant Secretary for Employment and Training, affirming the State's willingness to participate in the demonstration project and its willingness and ability to meet the financial, legal, and administrative requirements of the authorizing

legislation. In addition, the Governor must clearly state in the letter that the State will be able to interpret its existing unemployment compensation law to comply with sections 9152(c)(2)(A) and 9152(c)(2)(B) of the Act. A copy of this letter must be included with the package of materials described above.

##### (3) Selection Criteria

The following criteria from section 9152(b)(1) of the Act will be used to select three States for the Three-State Self-Employment Demonstration Project:

- a. The availability and quality of technical assistance currently provided by State agencies to the self-employed;
- b. Existing local labor market conditions and the business climate for new, small business enterprises in the State;
- c. The adequacy of State resources to carry out both their regular unemployment compensation program and a program under the Act;
- d. The range and extent of specialized services to be provided by the State to individuals covered by the agreement;
- e. The proposed design of the State's evaluation of its activities under the demonstration project, e.g., the State activities analysis; and
- f. The standards that the State proposes to use to insure that individuals who will receive self-employment assistance under the agreement will have sufficient experience (or training) and ability to be self-employed.

In addition to these six criteria, DOL will take into consideration the adequacy of State unemployment compensation program reserves for States submitting an application under the Act, as required by section 9152(b)(2). Therefore, applications must include actuarial data sufficient for DOL to determine the adequacy of the State's reserves over the entire life of the program.

#### Project Financing

##### (1) Source of Self-Employment Allowance Funds

Self-employment allowances will be paid out of the unemployment trust funds of the States. Section 9152(e)(1) of the Act provides authority for the States to make self-employment allowance payments from State unemployment funds.

##### (2) Funding for Project Administration

Section 9152(f) of the Act expressly prohibits States from using funds under Title III of the Social Security Act or any other Federal law for administration of



#### the Three-State Self-Employment Demonstration Project.

Therefore, host States must provide monies out of their general fund (or some other non-Federal funding source) for administrative costs associated with the demonstration project.

#### (3) Repayment of Excess Costs

If a State incurs any costs to the Unemployment Trust Fund that are in excess of the costs that would have been incurred by the State if the State had not participated in the demonstration (section 9152(c)(5)(B)), the State is required to repay that excess amount, plus chargeable interest, to the Unemployment Trust Fund from State general revenues (section 9152(c)(6)(A) and (B)). DOL is willing to work with host States to develop experimental options for the demonstration project that are designed to avoid excess costs to the Unemployment Trust Fund. Ensuring that there are no excess costs could be accomplished by setting the total amount of self-employment allowances that an individual could receive under the demonstration project at a level no greater than the amount that the individual would otherwise receive in regular or extended compensation under State UI law, determined on an actuarial basis.

DOL will, if host States concur, require the research contractor for the project to produce a design that provides eligible individuals with self-employment allowances on an actuarial basis.

#### (4) Funding for Design, Monitoring, and Evaluation Reports

DOL will fund research and evaluation activities for the Three-State

Self-Employment Demonstration Project; these activities include the design, monitoring, and evaluation of the project, including process, impact, and cost-benefit analyses. DOL is proceeding with a competitive procurement for a research contractor who will perform these tasks, including the production of an interim report to the Congress in December 1989, a final report to the Congress in December 1991, and a final report to DOL. The host States will complete an activities analysis and collect data for the Congressional reports and the final report to DOL.

#### Cooperative Agreements

##### (1) Required Provisions

The cooperative agreements between DOL and each host State will clearly define the provisions required for the demonstration project by section 9152 of the Act. Required provisions include all of the provisions defining self-employment allowances presented above, as well as sources of State funds for the demonstration and the provision relating to repayment of excess costs. These required provisions are outlined in section 9152(c) of the Act.

##### (2) State and Federal Responsibilities

The cooperative agreements between DOL and each host State will clearly delineate State and Federal responsibilities for the demonstration. These responsibilities are briefly outlined below.

a. Federal responsibilities for the demonstration will be divided into three interrelated parts. DOL will procure the services of a research firm or firms for an experimental design, management assistance and monitoring, follow-up

surveys, and evaluation reports for the project. This firm will also produce the required interim and final evaluation reports, including an impact analysis and a cost-benefit analysis, subject to DOL approval. The reports to the Congress are due two and four years, respectively, after the date of enactment of the Act: The interim report on December 22, 1989, and the final report on December 22, 1991. DOL will enter into a separate cooperative agreement with each host State for implementation, collection of data, continued monitoring of the project, and completion of a State activities analysis. DOL will work with the States to adapt the design to individual State environments.

b. State responsibilities for the demonstration include developing standards for eligibility to receive self-employment allowances to insure that individuals have sufficient experience (or training) and ability to be self-employed; implementation of the demonstration in selected sites, including the provision of self-employment allowances and business support services; collection of project operational and research data, including the development of automated data extract routines; ongoing monitoring of the project; and completion of an activities analysis of State demonstration project activities.

Signed at Washington, DC, on February 23, 1988.

Roberts T. Jones,

Acting Assistant Secretary of Labor.

[FR Doc. 88-4387 Filed 2-29-88; 8:45 am]

BILLING CODE 4510-30-M



# Federal Register

---

Tuesday  
March 1, 1988

---

## Part VII

## Department of Labor

---

Mine Safety and Health Administration

---

30 CFR Part 75

Automatic Emergency-Parking Brakes for  
Rubber-Tired, Self-Propelled Electric Face  
Equipment; Proposed Rule



## DEPARTMENT OF LABOR

## 30 CFR Part 75

**Automatic Emergency-Parking Brakes for Rubber-Tired, Self-Propelled Electric Face Equipment**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would require that automatic emergency-parking brakes be installed on rubber-tired, self-propelled electric face equipment used in underground coal mines. The proposal sets forth a compliance schedule and performance standards for automatic emergency-parking brakes.

**DATES:** Written comments must be submitted on or before May 2, 1988.

**ADDRESS:** Send written comments to the Mine Safety and Health Administration, Office of Standards, Regulations and Variances, Room 613, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Virginia 22203.

**ADDRESSES:****FOR FURTHER INFORMATION CONTACT:**

Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203; phone (703) 235-1910.

**SUPPLEMENTARY INFORMATION:** The Mine Safety and Health Administration (MSHA) is proposing safety standards that would require automatic emergency-parking brakes on rubber-tired, self-propelled electric face equipment used in underground coal mines.<sup>1</sup> The automatic emergency-parking brakes described in the proposal would engage when there is a loss of power to such equipment, and could be activated by the equipment operator in emergency situations. The brakes would also automatically act as a parking brake for the equipment. The standards are proposed pursuant to section 101 of the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 811).

**I. Background.**

The proposal is based on safety standards originally promulgated under the Federal Coal Mine Health and Safety Act of 1969 (Coal Act) on February 6, 1973 (38 FR 3406). As is more fully discussed below, the original

standards were suspended indefinitely on July 30, 1974, by MSHA's predecessor Agency, the Mining Enforcement and Safety Administration (MESA) (39 FR 27557).

Requirements for automatic emergency-parking brakes were originally developed in conjunction with a proposal to require "panic bars," devices able to quickly deenergize the tramming motors of self-propelled electric face equipment in the event of an emergency (37 FR 12395, June 23, 1972). The standards for panic bars currently appear at 30 CFR 75.523-1 and 75.523-2. They are required on self-propelled electric face equipment used in underground coal mines, except equipment with a cab installed in accordance with 30 CFR 75.1710-1.

As originally proposed, panic bars and automatic emergency-parking brakes were to work together, the brakes engaging when the tramming motors were deenergized by the panic bar. Accordingly, automatic emergency-parking brakes and panic bars were to be installed on the same compliance schedule under the 1972 proposed standards. On and after June 30, 1973, rubber-tired, self-propelled cutting machines, shuttle cars, battery-powered equipment and roof drills and bolters were to be in compliance. All other types of rubber-tired, self-propelled electric face equipment were to have panic bars and automatic emergency-parking brakes on and after September 30, 1973.

Following the proposal, notice was published on October 13, 1972, that objections had been received (37 FR 21641), and a public hearing was scheduled for November 15, 1972 (37 FR 22883). Among the issues addressed at the hearing was the compliance schedule for automatic emergency-parking brakes.

The final rules became effective on March 1, 1973, and retained the requirements for panic bars and automatic emergency parking brakes. On the basis of the rulemaking record, it was concluded that rubber-tired, self-propelled electric face equipment is operated where clearances are extremely limited, and that equipment operators are in constant danger of being pinned, squeezed or crushed against the mine roof, ribs or other mining equipment. Also cited was an increasing number of fatalities between 1970 and 1973 involving these types of accidents.

In addition, it was found that practical technology was available to design and construct devices that would quickly deenergize tramming motors and to design and construct automatic

emergency-parking brakes. However, the compliance dates were "extended from those proposed in order to allow a reasonable period for compliance by equipment manufacturers and mine operators" (38 FR 3406). The new dates were December 31, 1973, and March 31, 1974, for the two categories of rubber-tired, self-propelled electric face equipment described in the 1972 proposal.

These compliance dates were indefinitely suspended on December 19, 1973 (38 FR 34810). The Agency determined that equipment manufacturers and MESA technicians had encountered difficulties in developing performance specifications and guidelines for the manufacture and installation of deenergization devices and automatic emergency-parking brake assemblies. Such performance specifications and guidelines had also only recently been distributed by MESA.

Other factors contributing to the decision to suspend the compliance dates were the time necessary to acquire raw materials, and the time involved in the manufacture of brake components and deenergization devices. Time was also ascribed to the process of distribution and installation of the new brakes and panic bars, which could involve equipment modifications. Based on these considerations, it was estimated that the December 31, 1973, compliance date would be exceeded by 90 to 180 days, and determined that the compliance dates for both panic bars and automatic emergency-parking brakes would be suspended. The Agency determined that prior notice of the suspension and opportunity for comment was impracticable and unnecessary.

In the same notice suspending the compliance dates, a public hearing was announced for January 29, 1974 in Bluefield, West Virginia, to collect information relevant to setting new compliance dates. Material suppliers, equipment manufacturers, operators, and other interested persons were asked to address the issues of availability of supplies, time required to manufacture panic bars and automatic emergency-parking brakes, number of pieces of equipment involved, and time needed to distribute and install the deenergization devices and brakes.

New compliance dates for panic bars were set by notice in the **Federal Register** on July 30, 1974 (39 FR 27557). From the information collected, it was concluded that panic bars could be installed by December 15, 1974, on rubber-tired, self-propelled cutting machines, shuttle cars, battery-powered

<sup>1</sup> The term "automatic emergency-parking brake" as used in this proposal refers to "automatic parking brakes" and "emergency brakes." These terms were used separately in the original standard at 30 CFR 75.523-3, which has been indefinitely suspended.



machines and roof drills and bolters. A compliance date of February 15, 1975, was established for installation of panic bars on all other rubber-tired, self-propelled equipment. In addition, it was announced that guidelines for the design and installation of panic bars were available.

However, no new compliance dates were set for automatic emergency-parking brakes. It was concluded from the Bluefield meeting that adequate technical specifications for design criteria for automatic emergency-parking brakes, and adequate stopping criteria were not yet available. Also cited was the potential difficulty of retrofitting older equipment with automatic emergency-parking brakes in the same period of time as furnishing new equipment with such brakes. For these reasons, suspension of the compliance dates was continued indefinitely, pending necessary improvements to the rule.

A consultation meeting was held in Pittsburgh, Pennsylvania on March 11, 1975, to allow interested persons to discuss the problems raised at the Bluefield meeting. Industry representatives expressed their desire for specific performance criteria applicable to automatic emergency-parking brakes in order to develop them in conformance with MESA's expectations. In response to those comments, the Agency undertook to develop more specific guidelines to be implemented by the industry for manufacture of automatic emergency-parking brakes.

In November of 1979, MSHA made publicly available its "Technical Criteria for Certification of Performance of Emergency Brakes and Automatic Parking Brakes on Rubber-Tired, Self-Propelled Electric Underground Mine Equipment." MSHA also announced that beginning in January of 1980, the Agency would accept applications for certification of performance of automatic emergency-parking brake systems. Issuance of a certificate of performance for a brake system would indicate that the technical criteria had been met.

Since the 1979 release of MSHA's criteria, only one mining equipment manufacturer has been issued certificates of performance for automatic emergency-parking brakes. However, it is estimated that 44% of the rubber-tired, self-propelled electric equipment which would be covered by this proposal is currently equipped with automatic emergency-parking brakes.

This information indicates that the technology for designing automatic emergency-parking brakes is being

utilized by some equipment manufacturers. Therefore, making automatic emergency-parking brakes mandatory on all rubber-tired, self-propelled electric face equipment is now appropriate.

## II. Discussion of Proposed Rule

### A. General Discussion

Underground coal miners working on or around rubber-tired, self-propelled electric face equipment in the limited spaces of underground coal mines are continually exposed to the danger of being pinned or crushed between two pieces of equipment or between the equipment and a rib or other rigid structure. This proposal reflects improvements in automatic emergency-parking brake designs and the current availability of systems which can protect miners from these dangers. It would replace the suspended rule at 30 CFR 75.523-3.

Rubber-tired, self-propelled electric face equipment is typically equipped with service and parking brakes. The service brake functions to stop equipment while it is in motion during power-on operations. The parking brake is designed to immobilize equipment when it is deenergized and left unattended. An automatic emergency-parking brake would supplement these important safety features by providing for automatic engagement of the brake when there is an interruption of power to equipment or in emergency situations when rapid-response braking ability is needed.

Under the proposal, the automatic emergency-parking brake would engage automatically any time power is removed from the equipment. It would operate in conjunction with the panic bar required by 30 CFR 75.523-1 and 75.523-2, which when actuated by the equipment operator, interrupts power to the tramming motors. The automatic emergency-parking brakes would also automatically engage when power to the equipment is interrupted unintentionally, such as when power to the working section is removed.

The automatic emergency-parking brake would also be activated by use of the panic bar when service brake capability is lost through a malfunction such as leaking hydraulic brake fluid. If the equipment operator senses a loss in normal braking capacity during power-on operations, the operator would be able to engage the automatic emergency-parking brake by actuating the panic bar.

In addition to the function of stopping the equipment while in motion, this brake would automatically engage as a

parking brake when equipment is deenergized. Because it engages whenever there is a loss of power to the equipment, the proposed brakes would function as a parking brake whenever the equipment is not energized. In this way, the rule lessens the opportunity for human error to cause accidental death or injury to miners.

Accident and injury data gathered by the Agency demonstrate that miners are exposed to significant risks from mobile mining equipment. A 1978 MSHA study of all haulage and machine fatalities in underground coal mines between 1966 and 1977 shows that automatic emergency-parking brakes could possibly have changed the outcome of many haulage and machine-related fatalities.

More recent fatality information for the 1978-87 period indicates some decline in haulage and machine-related fatalities. However, rubber-tired, self-propelled electric face equipment continues to pose a serious hazard for miners in the confined underground coal mine environment. Although many factors contribute to machine-related deaths underground, these studies indicate that the use of automatic emergency-parking brakes could be expected to be instrumental in preventing fatal accidents.

### B. Section-By-Section Discussion

Paragraph (a) would require that, except for equipment specified in paragraph (e), all rubber-tired, self-propelled electric face equipment originally furnished with or retrofitted with automatic emergency-parking brakes, and all new equipment ordered on and after the rule's effective date have operative automatic emergency-parking brakes. All other equipment covered by the proposal would be required to have such brakes within two years after the effective date of the final rule.

The proposed compliance schedule is based on information gathered by MSHA in July, 1987. This information indicates that approximately 44% of the face equipment that would be covered by the proposal is currently equipped with automatic emergency-parking brakes. Of the remaining equipment, 20% would require minor modifications to be retrofitted with automatic emergency-parking brakes. Approximately 36% would require substantial work to be retrofitted with the new brake systems. Based on this information, the proposal would set compliance dates intended to allow operators and manufacturers sufficient time to retrofit existing equipment with the proposed brakes.



Paragraph (b) would require automatic emergency-parking brakes to engage automatically when equipment is deenergized, and whenever the panic bar required by 30 CFR 75.523-1 and 75.523-2 is actuated.

Deenergization of mine equipment can occur intentionally or unintentionally. The equipment operator can remove electric power to the tramming motors by using the panic bar, or the equipment can be intentionally deenergized after completing mining operations. Also, power can be removed unintentionally from the mining section for numerous reasons. Under the proposal, the emergency-parking brake would engage automatically in each situation.

When power to equipment is removed because of a fault in the section electrical system, the automatic emergency-parking brake would automatically engage and stop a moving vehicle. A danger associated with the unexpected loss of power to mine equipment is the concurrent loss of steering capability. Automatic engagement of the proposed brakes when power is lost would protect against accidents caused by loss of control in these situations.

The proposal would also require automatic emergency-parking brakes to be coupled with the panic bar function. The panic bar would deenergize the tramming motors of the machine in an emergency, and the automatic emergency-parking brake would simultaneously arrest movement of the equipment. For over a decade, equipment operators have relied on panic bars to quickly deenergize mine equipment in emergencies. Once the tramming motors have been deenergized, the vehicle must also be stopped. Coupling the panic bar with the automatic emergency-parking brake would be an effective means of stopping equipment in panic situations, and avoiding potentially fatal crushing and pinning accidents.

In addition, when power to mining equipment is merely turned off by the operator after completing mining operations, the brake would function as an automatic parking brake. The possibility of unintentionally not setting the parking brake is avoided, which would provide protection against unattended equipment rolling away.

Paragraph (b)(3) would require automatic emergency-parking brakes to safely bring the equipment to a complete stop when it is fully loaded and on the maximum grade on which the equipment is operated. The load carried by a piece of equipment and the grade on which it operates can greatly increase the demand placed on its brakes.

This aspect of the proposal states a basic objective of automatic emergency-parking brakes, to safely arrest the motion of equipment when they are engaged. As proposed, the standard would not require a particular level of stopping capacity. Instead, the proposal would require automatic emergency-parking brakes which are suitable to the equipment on which they are installed and the conditions under which the equipment is used. For compliance purposes, MSHA would evaluate whether, when the equipment is loaded and on the maximum grade on which it is operated, the automatic emergency-parking brake system will safely bring the equipment to a halt.

The proposal does not retain the performance criterion of the suspended rule which provides that automatic emergency-parking brakes "bring the equipment to a complete stop within the same distance as the service brakes." Some equipment that would be covered by the proposed rule does not have typical service brakes. Also, the stopping capacity of service brakes varies among the many types of mining equipment used in the industry. For these reasons, MSHA does not believe that performance of equipment service brakes provides a useful measure of performance for automatic emergency-parking brakes.

Emergency-parking brakes should engage and bring equipment to a complete stop quickly and safely. MSHA is aware, however, that sudden, unexpected stops can cause injury to the equipment operator. The Agency would therefore recognize as adequate brake designs which retain rapid system response time when they are intentionally engaged by the operator, but allow a slight time delay between activation and full engagement of the brakes when they engage unexpectedly. MSHA solicits comments on this issue.

Paragraph (b)(4) would require that automatic emergency-parking brakes hold deenergized equipment stationary despite any contraction of brake parts, exhaustion of any nonmechanical source of energy, or leakage. Even a small amount of brake fluid leakage can lead to an extreme pressure drop in a hydraulically-applied parking brake system. Also, normal operation of mine equipment can elevate the temperature of hydraulic fluids in the brake caliper to 125-150 °F, or greater. Contraction of this fluid as it cools can cause a significant decrease in hydraulic pressure and concurrent loss of the brake's holding capacity. Either of these situations can cause release of the brake, or significant lessening of its grade holding capacity. When this

occurs, a vehicle parked on a grade can roll away, creating a life-threatening situation.

The proposal would address these dangers by prohibiting brake designs that rely on sustained hydraulic pressure for activation of the brake. Some currently available automatic emergency-parking brakes are mechanically or spring-applied and hydraulically released. The spring pack caliper is designed so that the release or drainage of hydraulic pressure triggers application of the brake pads to the brake disk. Therefore, hydraulic fluid leakage cannot cause release of the brake.

Paragraph (b)(5) would require that automatic emergency-parking brakes release only by a manual control which does not operate any other equipment function. A brake release control which operates the automatic emergency-parking brake coincidentally with another function can lead to an unintentional release of the brake.

For example, if a single control operates the automatic emergency-parking brake and the conveyor boom on a shuttle car, the equipment operator could inadvertently release the brake while attempting to raise or lower the conveyor boom. Such human error can cause equipment to unexpectedly roll down a loading ramp, for example, with potentially dangerous consequences. The proposal would address this hazard by keeping brake controls separate from those for other equipment functions.

Paragraph (c)(1) would require that there be a means in the equipment operator's compartment to apply the automatic emergency-parking brake manually without deenergizing the equipment. MSHA is aware of some automatic emergency-parking brakes which cannot be set without deenergizing the equipment.

Underground fatalities have occurred when, for various reasons, equipment operators have left the controls of an energized machine which then rolled away. For example, operators of energized shuttle cars positioned on unloading ramps may leave their operator's compartments for some reason. Equipment operators often mistakenly rely on the service brake secured by a manual hydraulic check valve in this situation. If the service brake releases for any reason, the shuttle car will roll down the ramp, possibly killing miners in its path.

A manual hydraulic parking valve located in the operator's compartment which can be used to set and release the automatic emergency-parking brake is currently available. With this or similar



devices, energized equipment can be effectively immobilized without the danger of it rolling away while unattended.

Paragraph (c)(2) would require a means of releasing and reengaging the automatic emergency-parking brakes on a deenergized vehicle from the operator's compartment. This feature would provide a means for release and reengagement of the brakes not only on energized equipment, but to tow or otherwise move a disabled piece of deenergized equipment without requiring miners to manipulate the brakes manually.

Without such a release and reengagement device in the operator's compartment, the brake caliper must be manually manipulated to release it. Manual manipulation of the brake would require a miner to place himself in a dangerous position outside of the operator's compartment and reach inside the machine. A miner in this position could be crushed between machine components or between a coal surface and the machine should the equipment move when the brake is released. The danger of such equipment rolling away is particularly great when proper blocking techniques are not used.

Manually reengaging the brake presents a similar hazard. When a disabled vehicle is towed or moved to be repaired, it must be immobilized once it reaches its destination. If the automatic emergency-parking brake has to be manually reset, miners would again be placed in a dangerous position. The potential also exists for inadvertently putting equipment back into service without resetting and adjusting the automatic emergency-parking brake caliper.

Paragraph (d) would require operators of rubber-tired, self-propelled electric face equipment to engage the automatic emergency-parking brake whenever the equipment controls are left unattended. Fatalities occurring when brakes release causing equipment to roll away while the equipment operator is away from the controls would thus be avoided.

Much of the equipment covered by the proposal has auxiliary power takeoff capability. For example, a scoop which has auxiliary power capability from which a portable rock dusting unit can be energized may require the equipment operator to be outside of the operator's compartment. In such instances, the equipment must remain energized while the operator is outside of the compartment, operating the rock duster. The proposal would ensure that the vehicle is securely held stationary by an effective parking brake.

Under paragraph (e) rubber-tired, self-propelled electric face equipment with drive mechanisms which preclude accidental movement in accordance with 30 CFR 18.20(f) and equipment designed to travel at a maximum speed of 2.5 miles-per-hour, which has a parking brake to prevent movement would not be required to have automatic emergency-parking brakes.

Under § 18.20(f), wheel-mounted machines with drive mechanisms designed to preclude movement when deenergized are not required to be equipped with parking brakes. For instance, certain worm gear drive mechanisms will preclude movement of the equipment once parked. Also, when such equipment is deenergized, its drive mechanism quickly stops the machine. Therefore, at this stage in the rulemaking, MSHA believes that automatic emergency-parking brakes are not necessary on such machines.

The second exception specified by the proposal is for slow-moving equipment. It would apply only if the equipment has an effective parking brake. This aspect of the proposal reflects MSHA's belief that automatic emergency-parking brakes on equipment that has a maximum operating speed of not more than 2.5 miles-per-hour would provide marginal if any safety benefit. Accident and injury data available to the Agency would not justify the proposed brake system on equipment capable of speeds of 2.5 miles-per-hour or less.

The most significant effect of a 2.5 miles-per-hour maximum speed limit for this exception category would be the exclusion of roof bolting machines from the requirements of the proposed rule. For MSHA approval, roof bolters are currently required to have parking brakes, and must, under 30 CFR 75.523-1 and 75.523-2, be equipped with panic bars. In the Agency's experience, rubber-tired, self-propelled electric face equipment in this category presents little or no risk of injury to miners due to loss of control or inability to stop quickly.

### III. Drafting Information

The principal persons responsible for preparing this document are: George M. Fesak and James K. Oakes, Coal Mine Safety and Health, MSHA; George J. Dvorznak and Joseph F. Judeikis, Office of Technical Support, MSHA; Earnest C. Teaster, Jr., Office of Standards, Regulations and Variances, MSHA; and Laura J. McNulty, Office of the Solicitor, Department of Labor.

### IV. Executive Order 12291 and the Regulatory Flexibility Act

In accordance with Executive Order 12291, MSHA has prepared an initial

analysis to identify potential costs and benefits associated with the automatic emergency-parking brake standard. The Agency has incorporated this analysis into the Initial Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, MSHA has determined that the proposed automatic emergency-parking brake standard would not result in major cost increases nor have an effect of \$100 million or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, whenever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulations. MSHA has determined that compliance alternatives are not available for small mines to comply with the requirements of this proposed rule.

MSHA estimates that the initial compliance cost for the proposed automatic emergency-parking brakes would be \$8,970,440. Of this figure, initial compliance costs would be \$3,177,600 for small mines, and \$5,792,840 for large mines. The annual recurring costs would be \$2,857,380. The annual recurring cost would be \$918,340 for small mines, and \$1,939,040 for large mines.

### V. Paperwork Reduction Act

The proposed automatic emergency-parking brake rule does not contain recordkeeping or reporting requirements.

### List of Subjects in 30 CFR Part 75

Mine safety and health, Underground coal mines, Electric equipment, Automatic-emergency parking brakes.

Date: February 25, 1988.

David C. O'Neal,

Deputy Assistant Secretary for Mine Safety and Health.

Accordingly, pursuant to 30 U.S.C. 811 it is proposed to amend Part 75 Subchapter O, Chapter I, Title 30 of the Code of Federal Regulations as set forth below:

### PART 75—MANDATORY SAFETY STANDARDS—UNDERGROUND COAL MINES

1. The authority citation for Part 75 would continue to read as follows:

Authority: 30 U.S.C. 811, 957 and 961.

2. Section 75.523-3 is proposed to be revised as follows:



**§ 75.523-3 Automatic emergency-parking brakes for rubber-tired, self-propelled electric face equipment.**

(a) Except as provided by paragraph (e) of this section, all rubber-tired, self-propelled electric face equipment used in the active workings of underground coal mines shall have automatic emergency-parking brakes in accordance with the following schedule:

(1) On and after [insert effective date of final rule]—

- (i) All new equipment ordered;
- (ii) All equipment that was originally furnished with automatic emergency-parking brakes; and
- (iii) All equipment that has been retrofitted with automatic emergency-parking brakes.

(2) On and after [insert date 24 months after effective date of final rule] all other equipment.

(b) Automatic emergency-parking brakes shall—

(1) Engage automatically when the equipment is deenergized;

(2) Be activated by the emergency deenergization device required by § 75.523-1;

(3) Safely bring the equipment when fully loaded to a complete stop on the maximum grade on which it is operated;

(4) Hold the equipment stationary despite any contraction of the brake parts, exhaustion of any nonmechanical source of energy, or leakage; and

(5) Release only by a manual control that does not operate any other equipment function.

(c) Automatic emergency-parking brakes shall include a means in the equipment operator's compartment to—

(1) Apply the brakes manually without deenergizing the equipment; and

(2) Release and reengage the brakes without energizing the equipment.

(d) Automatic emergency-parking brakes required by this section shall be engaged whenever the equipment operator is not at the controls of the equipment.

(e) This section does not apply to the following rubber-tired, self-propelled electric face equipment.

(1) Equipment with drive mechanisms, in accordance with § 18.20(f) of this chapter, that preclude movement of the equipment when parked; and

(2) Equipment that is designed to travel at a maximum speed of 2.5 miles-per-hour or less, and which has a parking brake. The parking brake shall prevent movement of the equipment when engaged while the equipment is stationary.

[FR Doc. 88-4401 Filed 2-29-88; 8:45 am]

BILLING CODE 4510-43-M



# 26 CFR Part 1.602

Tuesday  
March 1, 1988

---

## Part VIII

## Department of the Treasury

---

### Internal Revenue Service

26 CFR Parts 48 and 602

**Manufacturers and Retailers Excise  
Taxes; Temporary Regulations and Notice  
of Proposed Rulemaking**



**DEPARTMENT OF THE TREASURY****Internal Revenue Service****26 CFR Parts 48 and 602**

(T.D. 8181)

**Manufacturers and Retailers Excise Taxes; Election to Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers; and OMB Control Numbers Under the Paperwork Reduction Act****AGENCY:** Internal Revenue Service, Treasury.**ACTION:** Temporary regulations.

**SUMMARY:** This document contains temporary regulations relating to the collection of excise taxes on diesel fuel under an election provided by section 4041(n) of the Code. Changes to the law relating to diesel fuel were made by the Tax Reform Act of 1986. These regulations provide guidance to taxpayers who are subject to these laws. This document does not reflect changes to the diesel fuel excise tax that were made by the Revenue Act of 1987.

**DATES:** *Effective Dates:* The regulations are effective April 1, 1987, and apply to sales of diesel fuel for use in diesel-powered highway vehicles made after March 31, 1987, and before April 1, 1988, with the exception of the following provisions, which are effective as of March 1, 1988:

- § 48.4041-21T(g);
- § 48.4041-21T(h)(1) following "section 4041(a)(1).";
- § 48.4041-21T(h)(2);
- § 48.4041-21T(i)(3); and
- § 48.4041-21T(k)(1).

**FOR FURTHER INFORMATION CONTACT:** Lauren G. Shaw of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, DC 20224, Attention: CC:LR:T (202-566-3287, not a toll-free call).

**SUPPLEMENTARY INFORMATION:****Background**

This document contains amendments to the Manufacturers and Retailers Excise Tax Regulations (26 CFR Part 48) under section 4041 of the Internal Revenue Code of 1986 (Code). These regulations conform the regulations to section 1702 of the Tax Reform Act of 1986 [Pub. L. 99-514, 100 Stat. 2773], which added section 4041(n) to the Code. These regulations do not reflect changes made to the diesel fuel excise tax by the Revenue Act of 1987 (Pub. L. 100-203, 101 Stat. 1330).

**In General**

Under section 4041(a)(1) of the Code, excise taxes are imposed on the sale of

any liquid sold for use as fuel in a diesel-powered highway vehicle. The taxes are imposed when the liquid is sold to an owner, lessee, or other operator of a diesel powered highway vehicle for use as fuel in such vehicle.

Because there are many more retail outlets for diesel fuel sales than there are diesel fuel wholesalers, Congress determined that the number of taxpayers required to file returns for the diesel fuel tax would be reduced if a mechanism was provided to impose the tax at the time of sale to the retailer. Such a mechanism would reduce the tax administrative burden to taxpayers and the tax enforcement cost to the Internal Revenue Service.

Accordingly, the Tax Reform Act added section 4041(n) to the Code. Under this provision, a qualified diesel fuel retailer may elect to shift the liability for the tax imposed by section 4041(a)(1) to the seller of the fuel to that retailer. A qualified retailer is not required to make the election with respect to all its sellers in order for the election to become effective. The qualified retailer remains liable, however, for any tax imposed on the subsequent sale of diesel fuel purchased tax-free from a seller not covered by a valid election.

**Making the Election**

To make the election as to a particular seller, a qualified retailer must notify the seller in writing and obtain the seller's written consent to liability for the tax. The qualified retailer must then file Form 8587 with the District Director for the district in which the retailer's principal place of business is located, attaching a copy of the seller's consent. If the District Director approves the seller and determines that all the requirements for making the election have been met, the District Director will validate the election and notify the qualified retailer and the seller in writing.

**Effect of a Valid Election**

Once a qualified retailer has made a valid election with respect to a particular seller under this provision, the qualified retailer must buy all diesel fuel from that seller tax-paid. However, a liquid will not be treated as taxable diesel fuel and the seller will not be liable for the tax if the qualified retailer certifies in writing that the liquid will not be sold for use as a fuel in a diesel-powered highway vehicle. This exception is discussed in greater detail below. In addition, a qualified retailer may add a new seller at any time by making a supplemental election as to that seller under the same rules as for

making an initial election, as set forth above.

**Revocation of the Election**

A qualified retailer may revoke a valid election with respect to a particular seller at any time by submitting a written statement of revocation to the District Director. A revocation made by a qualified retailer is effective as of the date specified by the District Director in a written notice sent to the qualified retailer and the seller as to whom the revocation is made. If the retailer subsequently makes another election as to that seller under section 4041(n) of the Code, the new election cannot become effective before the beginning of the fourth full calendar quarter following the effective date of the revocation. The District Director may also revoke a qualified retailer's election by sending a written notice of revocation to the qualified retailer and each of the affected sellers if the District Director determines that such action is necessary to protect the revenue. A revocation made by the District Director takes effect on the date specified in the written notice of revocation. A new election made under section 4041(n) following a revocation by the District Director cannot become effective before the beginning of the fourth full calendar quarter following the effective date of the revocation.

**Revocation of Seller's Consent**

A seller may revoke consent to liability for the tax imposed on the sale of diesel fuel to a qualified retailer by submitting a written statement of revocation to the District Director. A revocation of consent is effective as of the date specified by the District Director in a written notice sent to the seller and the qualified retailer.

**Penalty for Failing to Notify**

If a qualified retailer fails to notify a seller of the election in writing, all diesel fuel purchased from that seller is treated as if sold by the qualified retailer in a sale of diesel fuel taxable under section 4041(a)(1) of the Code on the date the qualified retailer purchased it. The qualified retailer must also pay a penalty pursuant to section 6652(j)(k) equal to 5% of any tax imposed on the sale under section 4041(a)(1). In addition, the qualified retailer's election under this section is subject to revocation by the District Director if the District Director determines such action is necessary to protect the revenue.



**Requirement for Approval of a Seller**

In order to be approved under a qualified retailer's election, a seller of diesel fuel must fulfill certain requirements. The proposed regulations require that the seller: (a) Be in the trade or business of selling diesel fuel for resale by a retailer; (b) hold a valid Federal Employer's Identification Number; (c) have a regular, physical place of business in the state or territory in which its principal place of business is located; and (d) have complied with all local laws regarding the sale of diesel fuel in each jurisdiction in which it sells diesel fuel. The District Director may withhold or revoke approval of the seller if the seller does not fulfill these requirements, or if the District Director determines that such action is necessary to protect the revenue.

**Liquid Certified for Use as Other Than Diesel Fuel**

Liquid otherwise taxable under section 4041(a)(1) of the Code is not treated as diesel fuel for the purposes of an election made under section 4041(n) if the qualified retailer certifies in writing to the seller that the liquid will not be sold for use as fuel in a diesel-powered highway vehicle. If the liquid is actually used as diesel fuel, however, or if the qualified retailer cannot establish, upon request to the District Director, that the liquid was used for a purpose other than as diesel fuel, the qualified retailer, and not the seller, is liable for all taxes which would have been imposed on the sale if it had not been certified as nontaxable.

**Special Analysis**

A general notice of proposed rulemaking is not required by 5 U.S.C. 553(b) for temporary regulations. Accordingly, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) does not apply and no Regulatory Flexibility Analysis is required for this rule. The Commissioner of Internal Revenue has determined that this temporary rule is not a major rule as defined in Executive Order 12291, and that a Regulatory Impact Analysis is therefore not required.

**Paperwork Reduction Act**

The collection of information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. These requirements have been approved by OMB under control number 1545-0977.

**Drafting Information**

The principal author of these proposed regulations is Lauren G. Shaw of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

**List of Subjects****26 CFR Part 48**

Agricultural, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

**26 CFR Part 602**

Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

Accordingly 26 CFR Part 48 and 602 are amended as follows:

**PART 602—[AMENDED]**

Paragraph 1. The authority for Part 602 continues to read as follows:

Authority: 26 U.S.C. 7805.

**§ 602.101 [Amended]**

Par. 2. In § 602.101(c), the table of OMB control numbers is amended by adding in the appropriate location,

"48.4041-21T..... 1545-0977."

**PART 48—[AMENDED]**

Par. 3. The authority for Part 48 is amended by adding the following citation:

Authority: 26 U.S.C. 7805 \* \* \* Section 48.4041-21T is also issued under 26 U.S.C. 4041(n).

Par. 4. A new § 48.4041-21T is added after § 48.4041-20 to read as follows:

**§ 48.4041-21T Election to have certain diesel fuel taxes imposed on sales to retailers.**

(a) *Outline of provisions.* The provisions of this section are as follows:

- (a) Outline of provisions.
- (b) In general.
- (c) Definitions.

- (1) Qualified retailer.
- (2) Retailer.
- (3) Seller.

- (d) Manner of election.
- (1) Procedure for making election.
- (i) Filing requirements.

- (ii) Acknowledgement by the District Director.
- (2) Approval of a seller by the District Director.
- (i) In general.

- (ii) Authority to withhold or revoke approval.
- (A) In general.
- (B) Notification of approval withheld or revoked.

- (3) Adding a new seller.
- (4) Validation of election.
- (e) Failure to make election.
- (f) Penalty for failure to provide notice.
- (1) In general.
- (2) Presumption where written consent received.
- (g) Retailer's notice to seller.
- (h) Seller's consent to liability.
- (1) In general.
- (2) Form of consent.
- (i) Liquid that is not treated as diesel fuel.
- (1) In general.
- (2) Liability for violation of certification.
- (3) Acceptable form of certification.
- (j) Exemptions not to apply.
- (k) Revocation of election.
- (1) By qualified retailer.
- (i) In general.
- (ii) Effective date of a new election following a voluntary revocation.
- (iii) Acceptable form for revocation.
- (2) Revocation by the District Director.
- (i) In general.
- (ii) Making a new election following revocation by the District Director.
- (l) Revocation of seller's consent to liability.
- (m) Recordkeeping requirements.
- (1) Qualified retailer.
- (2) Seller.

(b) *In general.* A retailer of diesel fuel may elect, with a seller's written consent, to have the excise tax imposed by section 4041(a)(1) on all sales of fuel for use in diesel-powered highway vehicles imposed on such seller at the time of sale to the retailer. A retailer who has made a valid election under paragraph (d) of this section is considered a qualified retailer (as defined in paragraph (c)(1) of this section), and may purchase diesel fuel tax-paid from any seller approved by the District Director under the qualified retailer's election. An approved seller is liable for any tax imposed on a sale of diesel fuel to the qualified retailer by section 4041(a)(1) at the time of sale, except as provided in paragraph (i) of this section. Once a qualified retailer has made a valid election with respect to one or more approved sellers, tax-free purchases of diesel fuel may be made under paragraph (e) of this section only from a person not approved as a seller under a valid election. This election is available for sales made to a qualified retailer after March 31, 1987 and before April 1, 1988. See paragraph (c) of this section for definitions of "qualified retailer" and "seller". See paragraph (d)(2) of this section for rules relating to approval of a seller by the District Director.



(c) *Definitions*—(1) *Qualified retailer.* For purposes of this section, a "qualified retailer" is any retailer who—

(i) Makes a valid election under paragraph (d)(1) of this section to have section 4041(n)(1) apply to all sales of diesel fuel to such retailer by any seller approved by the District Director under paragraph (d)(2) of this section, and

(ii) Agrees to provide a written notice, as described in paragraph (d)(1)(i)(A) of this section, to each seller with respect to whom the election is made that section 4041(n)(1) applies to all sales of diesel fuel to such retailer by any seller approved by the District Director under paragraph (d)(2) of this section.

(2) *Retailer.* For purposes of this section, a retailer is any person who sells diesel fuel for use as a fuel in a diesel-powered highway vehicle. Such term does not include a person who sells diesel fuel primarily for resale.

(3) *Seller.* A seller is any person who sells diesel fuel to a retailer.

(d) *Manner of election*—(1) *Procedure for making election*—(i) *Filing requirements.* To make the election, a qualified retailer must, prior to purchasing diesel fuel under the terms of this section, agree to have the tax imposed by section 4041(a)(1) apply to all sales of diesel fuel to the retailer by any seller approved by the District Director under paragraph (d)(2) of this section by—

(A) Providing the seller with a written notice (as described in paragraph (g) of this section) that the retailer is making the election and that, once validated by the District Director,

(1) The election applies to all sales of diesel fuel to such retailer by a seller approved by the District Director under paragraph (d)(2) of this section; and

(2) The retailer may not purchase diesel fuel tax paid from any person that is not an approved seller;

(B) Obtaining a written consent to liability (as described in paragraph (h) of this section) from the seller for the tax imposed by section 4041(a)(1) on the sale of diesel fuel to the qualified retailer; and

(C) Filing Form 8587, Election by Qualified Diesel Fuel Retailer, with the District Director for the district in which the qualified retailer's principal place of business is located, together with a copy of the written consent to liability received from each seller listed on the Form 8587 filed.

(ii) *Acknowledgement by the District Director.* The District Director shall send a written acknowledgement of receipt to the retailer upon receiving the retailer's Form 8587 and all consents attached thereto.

(2) *Approval of a seller by the District Director*—(i) *In general.* In order to participate under a qualified retailer's election, a seller must be approved by the District Director for the district in which the qualified retailer's principal place of business is located. Before approving a seller, the District Director must first receive a copy of the seller's written consent to liability (as described in paragraph (h) of this section) for the tax imposed by section 4041(a)(1) on the sale of diesel fuel to the qualified retailer.

(ii) *Authority to withhold or revoke approval*—(A) *In general.* The District Director may withhold or revoke approval of a seller under a qualified retailer's election if the seller does not fulfill the requirements of paragraph (h) of this section, or if the District Director determines that such action is necessary to protect the revenue. In making this determination, the District Director may consider the tax compliance record of the seller or of a person related to the seller within the meaning of section 267 (b) or section 707(b)(1). For example, a District Director may withhold or revoke approval of a seller if the seller or a person related to the seller—

(1) Has had a penalty assessment against such person under chapter 68 of the Internal Revenue Code; or

(2) Has been convicted of a crime under Chapter 75 of the Internal Revenue Code.

(B) *Notification of approval withheld or revoked.* If the District Director withholds approval of a seller listed on a retailer's Form 8587, the District Director shall so notify the retailer and the seller for whom approval is withheld. Such notification may be made either orally or in writing. The retailer may then either amend the Form 8587 to delete that seller's name from the list of sellers appearing therein, or the retailer may withdraw the election application entirely. If the District Director revokes approval of a seller under the rules of paragraph (d)(2)(ii)(A) of this section, the District Director shall notify such seller and each qualified retailer under whose election the seller had been approved in writing immediately following such revocation. A revocation of a seller's approval under paragraph (d)(2)(ii)(A) of this section takes effect on the date specified by the District Director in the written notice. A notice of revocation sent to a qualified retailer under this paragraph (d)(2)(ii)(B) shall be limited to informing the qualified retailer of the fact and date of revocation. A notice of revocation sent to a seller under this paragraph (d)(2)(ii)(B) must include a statement of the reason for the revocation.

(3) *Adding a new seller.* A qualified retailer may make an election under this section with respect to a new seller at any time. See, however, paragraph (e) of this section for rules governing sales of diesel fuel to a qualified retailer from a person not approved as a seller under a valid election.

(4) *Validation of election.* The District Director shall validate an election with respect to a seller listed on the retailer's Form 8587 when the District Director determines that the requirements of this section have been met and approves the seller under paragraph (d)(2) of this section. If the election is validated with respect to a particular seller, the District Director shall notify the qualified retailer and the approved seller in writing that the election is valid, and that the seller is liable for the tax imposed by section 4041(a)(1) of all sales of diesel fuel to the qualified retailer as of the effective date of the election. The effective date of an election made under this section is the date specified by the District Director in the written notice of liability sent to the seller and the qualified retailer under this paragraph (d)(4) upon validation of the election. See, however, paragraph (k)(1) of this section for rules regarding a revocation of the election provided by this section made by a qualified retailer, and paragraph (k)(2) of this section regarding a revocation made by the District Director.

(e) *Failure to make election.* If a retailer fails to make a valid election under this section with respect to any seller, this section does not apply and the retailer is liable for all taxes imposed by section 4041 on the sale of diesel fuel. If a qualified retailer has made a valid election under this section, but fails to make a valid election as to a seller not approved under an existing election, the qualified retailer may not purchase diesel fuel from that seller tax-paid under the terms of this section.

(f) *Penalty for failure to provide notice*—(1) *In general.* If a qualified retailer fails to provide a written notice (as described in paragraph (d)(1)(i)(A) of this section) to a seller with respect to whom the election is made, all sales of diesel fuel made by that seller to the qualified retailer are treated as sold by the qualified retailer in a sale to which section 4041(a)(1)(A) applies on the date that such fuel is sold to the qualified retailer. Sales of diesel fuel made to the qualified retailer by other sellers approved under a valid election are not affected by such a violation of the terms of the election. See section 6652 (j) [k] for rules relating to the penalty imposed



for failure to provide notice of the election to the seller.

(2) *Presumption where written consent received.* If a qualified retailer has received a written consent to liability for the excise tax imposed by section 4041(a)(1) from a seller, as required by paragraph (h) of this section, it will be presumed that the qualified retailer has provided the written notice required by paragraph (d)(1)(i)(A) of this section to the seller.

(g) *Retailer's notice to seller.* The notice that a qualified retailer is required to give to each seller under paragraph (d)(1)(i)(A) of this section is making an election under this section must be substantially in the following form:

**Retailer's Notice to Seller**

[of election under 26 U.S.C. 4041(n)]

(Date), 19\_\_\_\_, I certify that I am the (owner or authorized agent) of the retailer named below, and that I am authorized to execute this document. The purpose of this notice is to inform you that the named retailer is making an election under 26 U.S.C. 4041(n)(1) to have the diesel fuel excise tax imposed by 26 U.S.C. 4041(a)(1) imposed on the seller at the time such retailer purchases diesel fuel from any seller approved by the District Director under this election. A retailer may not purchase diesel fuel tax-paid from any person not approved by the District Director as a seller under a valid election. The District Director will not approve you as a seller under this election if you do not furnish the retailer with a written statement of consent to assume liability for the tax imposed by 26 U.S.C. 4041(a)(1) on all sales of diesel fuel to the retailer. The retailer must attach a copy of such consent to the form used to make this election, or the election will not be validated. If you are approved as a seller under this election, the District Director will notify you in writing of the effective date of your liability for the tax imposed by 26 U.S.C. 4041(a)(1) on all sales of diesel fuel to the retailer named below.

(Name of qualified retailer)

(E.I.N.)

(Address)

(Signature of owner or agent)

(Name and title—type or print legibly)

(h) *Seller's consent to liability—(1) In general.* To be approved as a seller under a qualified retailer's election, a seller, under paragraph (d)(2)(i) of this section, must consent in writing to assume liability for the tax imposed on the sale of diesel fuel by section 4041(a)(1), and certify, under penalties of perjury, that such seller—

(i) Is in the trade or business of selling diesel fuel for resale by a retailer;

(ii) Holds a valid Federal Employer's Identification Number (E.I.N.);

(iii) Has a regular place of business in a physical location (other than a post office box) in the state or territory in which the seller's principal place of business is located; and

(iv) Has complied with all laws regarding licensing, registration, bond, or other requirements to enable such person to sell diesel fuel within the law of each jurisdiction in which such person sells diesel fuel.

(2) *Form of consent.* A seller's written consent to liability for the tax imposed by section 4041(a)(1) must be in substantially the following form:

**Seller's Consent to Liability**

[for excise tax imposed on sale of diesel fuel to a qualified retailer under 26 U.S.C. 4041(n)]

(Date), 19\_\_\_\_, I certify that I am the (owner or authorized agent) of the seller named below, and that I am authorized to execute this document. Under penalties of perjury, I certify that the seller named below is in the trade or business of selling diesel fuel for resale by a retailer; holds a valid Federal Employer's Identification Number; has a regular place of business in a physical location (other than a post office box) in the state or territory in which the seller's principal place of business is located; and has complied with all laws regarding licensing, registration, bond, or other requirements to enable such person to sell diesel fuel under the law of each jurisdiction in which such person sells diesel fuel. The company named below consents to assume liability for the taxes imposed under 26 U.S.C. 4041(a)(1) on the sale of diesel fuel to the qualified retailer named below until such time as the qualified retailer's election is revoked. I understand that a failure to file any appropriate tax return or pay any tax due on the sale of diesel fuel to such qualified retailer, or otherwise to comply with any requirement incident to liability for the tax may result in the termination of my status as an approved seller of diesel fuel, and may subject me and/or the named company to prosecution under all relevant provisions of law, together with costs of prosecution thereof.

(Name of Seller)

(Seller's EIN)

(Seller's address)

(Seller's phone number)

(Signature of owner or authorized agent)

(Name and title—type or print legibly)

(Name of retailer)

(Retailer's EIN)

(i) *Liquid that is not treated as diesel fuel—(1) In general.* A liquid is not treated as diesel fuel for use in a diesel-powered highway vehicle for purposes of this section if the qualified retailer certifies in writing to the seller of such liquid that it will not be sold for use as a fuel in a diesel-powered highway vehicle. The certification must provide the qualified retailer's name, address, and E.I.N., and be signed under penalties of perjury by the qualified retailer or a person having the power and authority to bind the qualified retailer. The retailer must give the certification to the seller on or before the earlier of the date of sale or delivery of the liquid. The qualified retailer must maintain sufficient records of its sales to establish the purpose for which the liquid is sold, and the person(s) to whom sold. See section 4041(n)(3)(C) for the definition of diesel fuel. See § 48.4041-8(b)(4) for the definition of a diesel-powered highway vehicle.

(2) *Liability for violation of certification.* Notwithstanding the provisions of section 4041(n)(1), if—

(i) Liquid certified under this paragraph for use other than as a fuel in a diesel-powered highway vehicle is in fact used as diesel fuel; or

(ii) A qualified retailer, upon request of the District Director, fails to establish by probative evidence other than the certification described in paragraph (i)(1) of this section, that liquid purchased tax-free under paragraph (i)(1) of this section is not in fact used as a fuel in a diesel-powered highway vehicle.

such liquid shall be treated as diesel fuel subject to tax under section 4041(a)(1), and the retailer, and not the seller, is liable for the tax on the sale of the liquid.

(3) *Acceptable form of certification.* A retailer's certification under paragraph (i)(1) of this section that a liquid is not to be sold for use as a fuel in a diesel-powered highway vehicle must be substantially in the following form:

**Retailer's Certification**

[To support tax-free sale of liquid for use other than as a fuel in a diesel-powered highway vehicle pursuant to 26 U.S.C. 4041(n)(3)(C)(ii)]

(Date), 19\_\_\_\_, I certify that I am the (owner or authorized agent) of the qualified retailer named below, and that I am authorized to execute this document. I further certify that liquid fuel purchased from (name and address of seller on (date of purchase), 19\_\_\_\_ will be sold only for use other than as a fuel in a diesel-powered highway vehicle



(as defined in Treasury Regulations § 48.4041-8).

I understand that if this liquid is in fact used as a fuel for a diesel-powered highway vehicle, the qualified retailer named below will be liable for the tax which would have been imposed on the sale of the liquid to the retailer, but for this certification, and that both the qualified retailer and the user must be prepared to establish the purpose for which this liquid is used. I also understand that the fraudulent use of this certification to substantiate the tax-free sale of liquid otherwise treated as diesel fuel may subject me and all parties making such use of this certification to prosecution under all relevant provisions of law, together with costs of prosecution therefor.

Under penalties of perjury, I declare that I have executed this certification and that the statements made are to the best of my knowledge and belief, true, correct, and complete.

(Name of qualified retailer)

(E.I.N.)

(Address)

(Signature of owner or authorized agent)

(Name and title—type or print legibly)

(j) *Exemptions not to apply.* No exemption from the tax imposed by section 4041(a)(1) shall apply to a sale to which section 4041(n)(1) or 4041(n)(4)(A) applies. See sections 6416, 6427, and the regulations thereunder for provisions allowing a credit or refund for certain sales and uses of fuel.

(k) *Revocation of election—(1) By qualified retailer—(i) In general.* A qualified retailer may voluntarily revoke a valid election with respect to any seller at any time, by submitting a written statement to the District Director revoking the election. The revocation must provide the name, address, and E.I.N. of both the qualified retailer and the seller, and must be signed by the qualified retailer or an authorized agent. The District Director will then notify the qualified retailer and each seller as to whom the revocation is made, in writing, of the effective date of the revocation. A voluntary revocation made by a qualified retailer under this paragraph (k)(1)(i) takes effect on the date specified by the District Director in the written notice. Once the revocation becomes effective, the retailer, and not the seller, is liable for the tax imposed by section 4041(a)(1) on sales of diesel fuel to the retailer.

(ii) *Effective date of a new election following a voluntary revocation.* An election made by the retailer under this section with respect to a seller as to

whom an election was previously revoked cannot have an effective date before the beginning of the fourth calendar quarter following the effective date of the revocation. Thus, for example, assume that in 1987 a qualified retailer, A, makes a valid election as to approved sellers X, Y, and Z. If A revokes the election with respect to X effective as of January 15, 1988, a subsequent election made by A with respect to X cannot become effective until April 1, 1989.

(iii) *Acceptable form for revocation.* The statement of revocation of the election under paragraph (k)(1) of this section must be substantially in the following form:

**Revocation of Retailer's Election Under 26 U.S.C. 4041(n)**

(Date), 19\_\_\_\_, I certify that I am the (owner or authorized agent) of the qualified retailer named below, and that I am authorized to execute this document. The qualified retailer named below hereby revokes the election made under 26 U.S.C. 4041(n)(1) with respect to the following seller(s):

Name and address of seller

E.I.N.

I understand that by making this revocation, the qualified retailer named below will resume liability, as of a date specified by the District Director in a written notice of revocation, for the taxes imposed by 26 U.S.C. 4041(a)(1) on a taxable sale of diesel fuel purchased from a seller named above which is subsequently sold to an owner, lessee, or other operator of a diesel-powered highway vehicle for use as a fuel in such vehicle.

(Name of qualified retailer)

(E.I.N.)

(Address)

(Signature of owner or authorized agent)

(Name and title—type or print legibly)

(2) *Revocation by the District Director—(i) In general.* The District Director may revoke a qualified retailer's election at any time by notifying the qualified retailer and each of the affected sellers in writing, if, based on the facts and circumstances surrounding sales to such qualified retailer, the District Director determines that a revocation is necessary to protect

the revenue. A revocation made by the District Director takes effect on the date specified by the District Director in the written notice. A notice of revocation sent to a seller under this paragraph (k)(2) shall be limited to informing the seller of the fact and date of revocation only. A notice of revocation sent to a qualified retailer under this paragraph (k)(2) must include a statement of the reason for the revocation. Facts and circumstances which would support a District Director's decision to revoke a qualified retailer's election include, but are not limited to, situations in which the qualified retailer knowingly and willfully—

(A) Sells a liquid covered by an exemption certification described in paragraph (i) of this section as a fuel in a diesel-powered highway vehicle, if the retailer also fails to pay the tax due on such a sale;

(B) Forges a seller's written consent to liability for the tax imposed by section 4041(a)(1);

(C) Supplies false information as to a fact material to any aspect of the election provided by this section to either a seller or to the District Director; or

(D) Violates any of the terms of the election or uses the exemption certification described in paragraph (i) of this section in order to avoid the payment of any tax imposed by this chapter, or to postpone or in any manner to interfere with the collection of any such tax.

(ii) *Making a new election following revocation by the District Director.* Following revocation of a qualified retailer's election by the District Director, a subsequent election made by the retailer under this section cannot have an effective date before the beginning of the fourth calendar quarter following the effective date of the revocation.

(l) *Revocation of seller's consent to liability.* A seller may revoke consent to liability for the tax imposed on the sale of diesel fuel to a qualified retailer under section 4041(n) at any time by submitting a written statement to the District Director revoking the consent. The revocation must provide the name, address, and E.I.N. of both the seller and the qualified retailer, and must be signed by the seller or an authorized agent. The District Director will then notify the seller and the qualified retailer in writing of the effective date of the revocation. A revocation of consent made under this paragraph (l) takes effect on the date specified by the District Director in the written notice.



Once the revocation becomes effective, the retailer, and not the seller, is liable for the tax imposed on the sale of diesel fuel by section 4041(a)(1).

(m) *Recordkeeping requirements*—(1) *Qualified retailer.* A qualified retailer who has made a valid election under this section must retain the following records with respect to the tax imposed by section 4041 (whether or not the qualified retailer incurs liability for such tax) for at least three years after the due date of the tax return for the return period to which the records relate, or the date such tax is paid, whichever is the later—

(i) A copy of the notice given to each seller under paragraph (d)(1)(i)(A) of this section stating that an election is being filed;

(ii) The original or a copy of the seller's written consent to liability for the tax imposed by section 4041(a)(1), required under paragraphs (d)(1)(i)(B) and (d)(2)(i) of this section;

(iii) Each notice received from the District Director under paragraph (d)(4) of this section stating that an election has been validated;

(iv) Each notice received from the District Director under paragraph (d)(2)(ii)(B) of this section stating that

the District Director has revoked the approval of a seller under such qualified retailer's election;

(v) A copy of each certification given to a seller under paragraph (i)(1) of this section relating to a sale of liquid not treated as diesel fuel;

(vi) Each notice received from the District Director under paragraph (k)(1)(i) or (k)(2)(i) of this section stating that an election made under this section has effectively been revoked; and

(vii) Each notice received from the District Director under paragraph (1) of this section stating that a seller's consent to liability has effectively been revoked.

(2) *Seller.* Each seller must retain the following records with respect to the tax imposed by section 4041 (whether or not such seller incurs liability for such tax) for at least three years after the due date of the tax return for the return period to which the records relate, or the date such tax is paid, whichever is the later—

(i) Each written notice received from a qualified retailer under paragraph (d)(1)(i)(A) of this section;

(ii) A copy of each consent furnished to a qualified retailer under paragraph (d)(1)(i)(B) or (c)(2)(i) of this section;

(iii) Each notice received from the District Director under paragraph (d)(4) of this section stating that the seller is liable for the tax imposed by section 4041(a)(1) on a sale of diesel fuel to a qualified retailer;

(iv) Each notice received from the District Director under paragraph (d)(2)(ii)(B) of this section stating that such seller's approval has been revoked;

(v) Each certification received from a qualified retailer under paragraph (i)(1) of this section relating to a sale of liquid not treated as diesel fuel;

(vi) Each notice received from the District Director under paragraph (k)(1)(i) or (k)(2)(i) of this section stating that a qualified retailer's election has effectively been revoked; and

(vii) Each notice received from the District Director under paragraph (1) of this section stating that a seller's consent to liability has effectively been revoked.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

Approved February 9, 1988.

O. Donaldson Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 88-4373, Filed 2-29-88; 8 45 am]

BILLING CODE 4830-01-M



## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 48

[LR-114-86]

## Election To Have Certain Diesel Fuel Taxes Imposed on Sales to Retailers

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Notice of proposed rulemaking by cross-reference to temporary regulations.

**SUMMARY:** In this issue of the *Federal Register*, the Internal Revenue Service is issuing temporary regulations relating to the collection of excise taxes on diesel fuel under an election provided by section 4041(n) of the Code. The text of the temporary regulations also serves as the text for this notice of proposed rulemaking.

**DATES:** Written comments and requests for a public hearing must be delivered or mailed by May 2, 1988. The regulations are proposed to be effective April 1, 1987, and apply to sales of diesel fuel for use in diesel-powered highway vehicles made after March 31, 1987, and before April 1, 1988, with the exception of the following provisions, which are proposed to be effective as of March 1, 1988:

- § 48.4041-21(g);
- § 48.4041-21(h)(1) following "section 4041(a)(1).";
- § 48.4041-21(h)(2);
- § 48.4041-21(i)(3); and
- § 48.4041-21(k)(1).

**ADDRESS:** Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-114-86), Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Lauren G. Shaw of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington,

DC 20224, Attention: CC:LR:T (202-566-3287, not a toll-free call).

## SUPPLEMENTARY INFORMATION:

## Background

The temporary regulations in this issue of the *Federal Register* amend Part 48 of Title 26 of the Code of Federal Regulations. The temporary regulations are designated by a "T" following their section citation. The final regulations which are proposed to be based on the temporary regulations would amend Part 48 of Title 26 of the Code of Federal Regulations. The regulations provide rules relating to an election to shift the diesel fuel excise tax from the retailer to the wholesaler of the fuel under section 4041(n) of the Internal Revenue Code of 1986 (Code) as added by section 1702 of the Tax Reform Act of 1986 (Pub. L. 99-514, 100 Stat. 2773). The regulations do not reflect changes made to the diesel fuel excise tax by the Revenue Act of 1987 (Pub. L. 101-203, 101 Stat. 1330).

For the text of the temporary regulations, see T.D. 8181 published in this issue of the *Federal Register*. The preamble to the temporary regulations provides a discussion of the rules.

## Special Analysis

The Commissioner of Internal Revenue has determined that this proposed rule is not a major rule as defined in Executive Order 12291. Accordingly, a Regulatory Impact Analysis is not required. Although this document is a notice of proposed rulemaking that solicits public comment, the Internal Revenue Service has concluded that the regulations proposed herein are interpretative and the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Accordingly, these proposed regulations do not constitute regulations subject to the Regulatory Flexibility Act (5 U.S.C. Chapter 6).

## Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

The collection of information requirements contained herein have been submitted to the Office of Management and Budget (OMB) for review under section 3504(h) of the Paperwork Reduction Act. Comments on the requirements should be sent to the Office of Information and Regulatory Affairs of OMB; Attention: Desk Officer for Internal Revenue Service; New Executive Office Building; Washington, DC 20503. The Internal Revenue Service requests persons submitting comments to OMB to also send copies of the comments to the Service.

## Drafting Information

The principal author of these proposed regulations is Lauren G. Shaw of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

## List of Subjects in 26 CFR Part 48

Agriculture, Arms and munitions, Coal, Excise taxes, Gasohol, Gasoline, Motor vehicles, Petroleum, Sporting goods, Tires.

Lawrence B. Gibbs,

Commissioner of Internal Revenue.

[FR Doc. 88-4374 Filed 2-29-88; 8:45 am]

BILLING CODE 4830-01-M



# FRIDAY

---

Tuesday  
March 1, 1988

---

## Part IX

### Department of Health and Human Services

---

#### Health Care Financing Administration

---

42 CFR Parts 405, 413, 441, 482, 485,  
and 498

Medicare and Medicaid Programs; Organ  
Procurement Organizations and Organ  
Procurement Protocols; Final Rule



## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

42 CFR Parts 405, 413, 441, 482, 485, and 498

[BERC-451-F]

### Medicare and Medicaid Programs; Organ Procurement Organizations and Organ Procurement Protocols

**AGENCY:** Health Care Financing Administration (HCFA), HHS.

**ACTION:** Final rule.

**SUMMARY:** This rule sets forth the following:

- A requirement for hospitals to have, as a condition of participation in the Medicare and Medicaid programs, written protocols to identify potential organ donors;
- Requirements for participation in the Medicare and Medicaid programs for hospitals that perform organ transplants; and
- Requirements that an organ procurement organization must meet to be designated by Medicare for payment and to remain so designated.

The rule implements section 1138 of the Social Security Act, as added by section 9318(a) of the Omnibus Budget Reconciliation Act of 1986 and as the effective date was modified by section 102(c) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 and section 4009(g) of the Omnibus Budget Reconciliation Act of 1987. This rule is intended to enhance the organ procurement process.

**EFFECTIVE DATE:** This rule is effective March 31, 1988.

**FOR FURTHER INFORMATION CONTACT:** Rita McGrath, (301) 594-6719, Organ procurement organizations

or

Stanley Rosenfeld, (301) 594-5675, Organ procurement protocols.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

##### A. Program Description (General)

Under section 1881(b) of the Social Security Act (the Act), Medicare payment for kidney transplantation is authorized if services are performed in facilities meeting requirements prescribed in regulations. The requirements are set forth at 42 CFR Part 405, Subpart U—Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services. We pay for the costs of procuring kidneys for transplantation only if the kidneys are

transplanted by facilities that meet the requirements of our regulations.

In addition, in some cases, Medicare payment may also be made for heart transplantation. However, transplantation of other organs (that is, pancreas, adult liver, lung, or heart/lung transplants) is currently excluded from coverage under Medicare because we consider the procedure for these organs to be experimental. Currently, most of the organs obtained for transplants are kidneys, and Medicare is the primary payer for almost all kidney transplant procedures.

Under the Medicaid program, payment is made for "medical assistance" as defined broadly in section 1905 of the Act and in our regulations at 42 CFR Part 440, Subpart A. Each State has a considerable degree of flexibility to supplement Medicaid required services with others it chooses to specify in its State plan. As a means of providing kidney transplant services to Medicaid beneficiaries, many States pay the coinsurance and deductible amounts associated with the procedure. Also, some States choose to pay for transplant services not covered by Medicare, such as heart-lung, pancreas, and liver transplants.

As an inpatient hospital service, kidney transplantation under Medicare must be furnished by an approved facility (section 1861(e) of the Act; 42 CFR 405.2171). Approval is granted after we determine, based on an on-site survey, that the facility is in compliance with applicable conditions of participation (42 CFR Part 482) and conditions for coverage (42 CFR Part 405, Subpart U). Currently, our regulations contain specific conditions of coverage that must be met by facilities that perform kidney transplantation under either Medicare or Medicaid. There also are criteria that heart transplant facilities must meet under Medicare. We published the heart transplant criteria in the *Federal Register* on April 6, 1987 (52 FR 10935).

Our regulations do not contain detailed conditions or standards for agencies or organizations that procure kidneys for transplantation. However, we require that all such agencies meet the existing definition of "organ procurement agency" in our regulations at § 405.2102 and that independent organizations comply with the organizational and administrative requirements listed in § 413.178 of our regulations so that costs associated with kidney procurement from those organizations for Medicare and Medicaid beneficiaries may be paid for by those programs.

##### B. Organ Procurement

As of September 1987, there were approximately 120 organ procurement agencies (OPAs) that Medicare paid for kidney acquisition services. These OPAs provide centralized services that include provision for surgical retrieval, tissue typing, maintaining lists and tissue characteristics of potential recipients, and organ distribution (transportation) to cooperating transplant centers. (A transplant center is a hospital designated by Medicare to furnish directly, for specific organ(s), transplantation and other medical and surgical specialty services required for the care of transplant patients). Since the OPAs procure kidneys, they are funded largely by Medicare, although OPAs also may procure organs other than kidneys; e.g., hearts, livers, heart-lungs, and pancreas or islet cells. Virtually all transplanted organs come from donors identified by the organ procurement system.

OPAs vary in size, strategies, personnel, and organization. Those OPAs currently approved for supplying kidneys for Medicare patients can be divided into two organizationally distinct groups. Nearly half of the OPAs are independently incorporated non-profit entities whose sole function is the procurement of human organs. These independent organ procurement agencies (IOPAs) are approved by HCFA if they comply with the definition of an OPA found in § 405.2102 of our regulations. We prescribe four services that an OPA must perform or coordinate the performance of in order to be approved: Recovery of kidneys, preservation of kidneys, transportation of donated kidneys, and the maintenance of a system to locate prospective recipients for the recovered kidneys. Our instructions to approved IOPAs require them to develop a standard kidney acquisition charge, which is billed to the transplant center at the time an organ is furnished. The transplant center pays the IOPA and bills Medicare for that cost. Under cost reporting requirements in § 413.178 we make adjustments at the end of the IOPA's cost reporting year to reconcile any difference between charges billed to Medicare and allowable costs.

The remaining OPAs are hospital-based organ procurement agencies (HOPAs). These HOPAs are located within the administrative structure of a hospital approved to perform kidney transplants, usually within the department of surgery or the division of transplantation, or both. The costs of organ procurement activities of HOPAs



are recorded in a kidney acquisition cost center and billed by the hospital separately from the actual transplantation procedure costs that are billed when transplantation occurs. A HOPA is generally directly responsible to a transplant surgeon and procures organs, for the most part, for the transplant center in which it is located. Under § 412.90(e), Medicare pays for the reasonable cost of kidney acquisition. Consequently, cost adjustments, if needed, are made for the HOPA when the hospital's cost report is settled.

#### C. Legislation

Section 9318 of the Omnibus Budget Reconciliation Act of 1986 (OBRA 86), Pub. L. 99-509, added a new section 1138 to the Social Security Act to specify requirements for hospitals concerning organ procurement protocols and for organizations that are involved in the process of procuring organs and furnishing them to hospitals for transplantation. As originally enacted, section 1138 of the Act was effective on October 1, 1987. However, section 102(c) of the Balanced Budget and Emergency Deficit Control Reaffirmation Act of 1987 (Pub. L. 100-119) extended the effective date to November 21, 1987, and section 4009(g) of the Omnibus Budget Reconciliation Act of 1987 (Pub. L. 100-203) extended the effective date of section 1138(b) concerning OPOs to April 1, 1987. No other changes to the requirements of section 1138 of the Act were made by these two laws.

Section 1138(a) of the Act allows a hospital that otherwise meets the conditions of participation for the Medicare or Medicaid programs to participate in either program only if it establishes written protocols to identify potential organ donors. The protocol must assure that families of potential donors are made aware that they have an option to donate, or to decline to donate, organs or tissue, and the protocol must encourage discretion and sensitivity with respect to the circumstances, views and beliefs of the families of potential donors. Further, the protocol must require that an OPO designated by the Secretary of HHS under 1138(b)(1)(F) be notified of potential donors.

In the case of a hospital in which organ transplants are performed, section 1138(a) requires the hospital to be a member of, and abide by the rules of, the Organ Procurement and Transplantation Network (OPTN) established in accordance with section 372 of the Public Health Service Act. The requirements of section 1138(a) apply to hospitals participating in the

Medicare or Medicaid programs as of November 21, 1987.

Section 1138(b) of the Act requires that, on or after April 1, 1987, Medicare and Medicaid pay for organ procurement costs attributable to an organ procurement organization (OPO) only if the OPO satisfies several conditions. The preamble to the proposed rule we published on July 31, 1987 (52 FR 28666) listed the conditions. In general, they are that the OPO be a qualified organ procurement organization operating under a grant made under section 371(a) of the Public Health Service (PHS) Act, or be certified or recertified by the Secretary within the previous two years as meeting the standards to be a qualified organ procurement organization; meet Medicare or Medicaid regulation requirements for organ procurement agencies; meet performance-related standards prescribed by the Secretary; be a member of, and abide by the rules and requirements of, the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act; allocate organs within its service area and nationally in accordance with medical criteria and the policies of the Network; and be designated by HCFA as an organ procurement organization, payments to which may be treated as organ procurement costs for purposes of reimbursement under Medicare or Medicaid.

Section 1138(b) of the Act provides that we may not designate more than one OPO for each service area (as that term is described by section 371(b)(1)(E) of the PHS Act). Organs, for purposes of section 1138 of the Act, mean human kidneys, hearts, lungs, livers, and pancreases, and any other organs or tissues specified by the Secretary.

The statute applies to hospitals participating in either Medicare or Medicaid on or after November 21, 1987 (section 1138(a)) and to costs of organs procured on or after April 1, 1988 (section 1138(b)).

#### II. Proposed Regulations Revisions and Public Comments

In order to describe our proposed implementation of the legislation, we published a notice of proposed rulemaking (proposed rule or NPRM) on July 31, 1987 (52 FR 28666, as corrected in 52 FR 29605). The NPRM dealt with three distinct but interrelated issues: the statutory requirements that all hospitals must establish organ procurement protocols, the statutory requirements that OPOs must meet in order for costs of organs procured from them to be reimbursed under Medicare and

Medicaid, and our proposed implementation procedures under which we would designate OPOs that meet our requirements.

In the following discussion, we summarize the appropriate regulation requirement, the public comments and our responses. We received 130 letters with comments from a variety of commenters, including physicians, transplant centers, hospitals, OPAs, organizations representing professions, the network contractor, and concerned individuals. Many commenters spoke favorably of the need to coordinate procurement services and of our proposed rules for implementing the statute. All of the commenters suggest revisions to either the rules of our implementation plans.

Considerable concern was expressed by many commenters over the OBRA 86 statutory effective date of October 1, 1987 and the fact that they would be given very little preparation time to carry out required activities before that date. Consequently, the focus of many comments was to point out difficulties with complying with the proposed requirements quickly and to suggest interim steps. (As noted earlier, the original effective date of section 1138(a) was extended to November 21, 1987 by Pub. L. 100-119, and of section 1138(b) was extended to April 1, 1988 by Pub. L. 100-203.)

#### A. Hospital Organ Procurement Requirements

To implement section 1138(a) of the Act, we proposed to revise the conditions of participation for hospitals to add a new standard concerning care of patients. We proposed to include the language from OBRA 86 requiring protocols pertaining to organ procurement.

We proposed that the deemed status of the hospitals that are accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or American Osteopathic Association (AOA) would not exempt them from these requirements. We would define organs precisely as the term is defined in the statute; we did not propose to identify any additional organ that would be subject to these requirements, although the Secretary of HHS is authorized to do so.

We stated that the requirement to have an organ procurement protocol would apply to all participating Medicare and Medicaid hospitals.

As specifically required by the statute, we proposed to require each hospital in which organ transplants are performed to be a member of the Network and to



abide by the Network's rules and requirements. The United Network for Organ Sharing (UNOS) is under contract with the Secretary under section 372 of the PHS Act, effective September 30, 1986, to function as the Organ Procurement and Transplantation Network within the meaning of section 1138 of the Act. We did not define, describe or otherwise circumscribe the statutory phrase "rules and requirements" of the network in the proposed rule, nor did we delineate what being a "member" in the Network would require. We solicited comments as to whether those terms need to be defined, if at all, and problems commenters might anticipate in the absence of a definition. To allay any fears that the Network contractor (the United Network of Organ Sharing, or UNOS) might use particular membership criteria or rules in an exclusionary or discriminatory manner, we stated that we intended to amend the current contract with UNOS (or issue appropriate regulations) by the time these regulations are issued in final, to plan the Secretary's recourse if UNOS imposes any nongermane, exclusionary or discriminatory rules or conditions. These changes have been made to the contract as the result of an agreement reached with UNOS.

#### 1. Network Participation

We received approximately 40 comments on our requirement that transplant centers be members of the Network.

*Comment:* Twenty-nine parties, mostly physicians, many of whom are affiliated with one transplant center, were concerned that their hospitals would not be accepted by UNOS as transplant centers. Proposed § 482.12, Condition of Participation: Governing body, in paragraph (c)(5)(ii) would require, in the case of a hospital in which organ transplants are performed, that the hospital be a member of the Network and abide by its rules and requirements. Some commenters believed that if the Network were to deny membership to hospitals, it would deny them the ability to further medical technology, which would be unwise, illogical and unfair. They also stated that refusal to grant membership to a hospital as a transplant center would result in the withholding of Medicare reimbursement for services completely unrelated to transplantation, an unfair penalty. The commenters stated that the criteria of UNOS are very restrictive, discriminatory and arbitrary, and will, if adhered to, reduce the number of cardiac transplant centers from 100 to 20. One commenter suggested

provisional membership for transplant centers that do not currently meet the Network's criteria. Another commenter supported a restricted membership in the Network because he felt there is no need for further dissemination of cardiac transplantation technology.

*Response:* Section 1138(a) of the Act requires each hospital that performs organ transplants and wishes to continue to participate in Medicare and Medicaid to be a member of the Network and to abide by its rules. The effect of the statutory provision is to withhold Medicare or Medicaid payment for all services from a hospital that performs organ transplants if that hospital is not accepted for membership by UNOS. Alternatively, a transplant center not accepted for membership would be faced with discontinuing its transplant program in order to continue receiving Medicare and Medicaid payments. We have no discretion in this matter.

Under section 372 of the PHS Act, the Secretary entered into a contract with UNOS to serve as the Network. Congress did not define membership or other rules and requirements the Network would be permitted to impose. However, the Secretary, as part of his overall responsibility to administer the Medicare and Medicaid programs and to enter into effective contractual arrangements, would not knowingly enter into a contract that permitted discriminatory, arbitrary or nongermane activities. Therefore, we have worked with UNOS to review that organization's membership criteria. As a result, UNOS provided provisional membership for many transplant centers that did not qualify for full membership.

Under this provisional membership arrangement, applicants would be admitted for membership in UNOS if they submitted an application on or before October 30, 1987 and either performed at least one organ transplant or had been approved by HCFA as a renal transplant center. These members will be required to take necessary steps to meet the UNOS requirements for full membership. As a precondition to provisional membership, the applicant had to have on its staff a transplant surgeon and a transplant physician who are likely to be capable of satisfactory performance during the provisional membership period. The provisional membership period is for an initial 12 months, followed by a possible additional 12 months if the applicant has made good faith efforts to take corrective action to meet fully the UNOS requirements. The rights and obligations of the member, which would not have

voting privileges, also are spelled out in the agreement we reached with UNOS.

*Comment:* Some commenters, although favoring many Network requirements as stated by UNOS, took issue with some criteria for cardiac transplant centers. As examples, they cited the following:

(1) UNOS requires each transplant center to have on-site a qualified transplant surgeon who has at least one year of formal training and one year of experience in a transplant program meeting UNOS membership requirements. The commenter believed the nature of the heart transplant process does not mandate the additional training. Another commenter noted the absence of formal training programs for cardiac surgeons and believed that programs started when there was no certifying agency should not be excluded.

(2) The concept that the transplant center have an active cardiovascular medical and surgical program, is not addressed by UNOS rules.

(3) UNOS' rules seem to concentrate on the quantity of transplants a program performs instead of the quality of its performance.

(4) UNOS criteria appear to overemphasize kidney transplantation activities at the expense of an institution's commitment to cardiac transplantation and equitable sharing of all organs.

(5) These requirements do not permit existing cardiac transplant centers to be granted membership with reasonable time to come into full compliance with the requirements.

*Response:* Although it is true that UNOS does not address the issue of a hospital's cardiovascular medical and surgical program, we understand that it does take this information into consideration when reviewing applications from transplant centers. We also believe that UNOS does focus on quality and that the purpose for its membership rules is to serve as a proxy for quality. Since the vast majority of transplants done today are kidney transplants, it is reasonable that UNOS concentrate its efforts on that area. However, other types of transplants have not been neglected and UNOS has developed experience criteria for each type of organ transplant. Finally, while UNOS has not granted membership to every existing cardiac transplant center, as discussed more fully above, UNOS has developed procedures for accepting certain cardiac transplant centers for either full membership or provisional membership when they do not meet all requirements for full membership.



UNOS' membership requirements are more stringent in some instances than our conditions for coverage; for example, a transplant surgeon under UNOS requirements must have either (a) three years' experience or (b) one year of post-residency training and one year of experience in transplantation, whereas Medicare requires only one year's training or one year's experience for renal transplant surgeons.

Several hospitals with transplant programs do not meet these more stringent requirements, even though they are otherwise approved by Medicare to do transplants, and do not believe they will be able to do so in the near future. These hospitals would have to drop these transplant programs or forgo Medicare and Medicaid payment for all services, not just transplant services; either decision would have a significant impact on a given hospital. Secondly, as evidenced by the comments we received, there is a wide perception that UNOS requirements are unfair and that recent and rapidly-made changes in those requirements should have been open to public comment. As a result of these problems, we negotiated with UNOS to allow provisional membership for transplant centers that do not meet all UNOS requirements for full membership.

Furthermore, we have amended the contract with UNOS to describe a conflict resolution process. If UNOS does not respond satisfactorily or timely to problems raised under the conflict resolution process, we will notify it of our intention to terminate the contract. (See the response below for the process for resolving contract disputes.)

**Comment:** Commenters observed that the proposed requirement of Network membership would, in their opinion, have numerous long-term bad effects. They would include: Affecting the quality of care and cost containment by limiting competition; setting a precedent for using a hospital's Medicare participation as a tool to control medical practice; turning the function of the Federal government over to the governing Board of UNOS that may not include individuals representing all interests; and allowing no appeal from a Network decision.

**Response:** We share some of the concerns of the commenters about the Network membership requirements. We emphasize that section 1138(a) of the Act requires transplant centers that participate in Medicare or Medicaid to belong to the Network with which the Federal government has a contract to carry out specific duties. Accordingly, we have modified the contract we have with UNOS to minimize or eliminate

possible bad effects. As modified, the contract provides for a conflict resolution process in the event we conclude that UNOS has adopted a rule or requirement that (1) would have an adverse effect on the accessibility and availability of quality health care to a Medicare or Medicaid beneficiary, or (2) is not substantially supported scientifically and medically and is not in the public interest. Under this process, UNOS will be notified of the problem and permitted at least 60 days to resolve the problem. If, after this period, there remain any of these unresolved issues, UNOS will, at its expense, convene a panel of experts (both UNOS and the Department will select members) who will have 45 days to make a recommendation to the Secretary. The Secretary will consider the recommendation of the panel but is not bound by its findings. If the issues are still irreconcilable at this point, we will proceed to terminate the contract with UNOS by issuing a termination notice. UNOS may not enforce the objectionable rule or policy once it receives the termination notice.

We share the commenter's concern about the precedential effect of this provision on health care practices. However, we believe it is necessary to assure Medicare beneficiaries, Medicaid recipients and the public at large of the quality of care in the nation's hospitals, and our conditions are aimed at establishing the quality standards. In this instance, section 1138(a) of the Act mandates this provision as a condition of participation.

We have been exercising and will continue to exercise oversight of the contract with UNOS as is evidenced by the development of the conflict resolution procedures described above. Further, UNOS has informed us that it has an established appeal mechanism in its by-laws. Finally, the National Organ Transplantation Act and the UNOS contract require that the UNOS Board of Directors be broadly representative of interests in the organ donation, procurement and transplantation fields.

**Comment:** Commenters alleged that UNOS is disorganized; its by-laws have changed twice; experience in transplantation is undefined.

**Response:** A change in by-laws is not, in our view, a sign of disorganization, but instead represents an effort to update the organization's governing rules. Also, we have verified that UNOS does have a definition of experience for different types of organ transplants, contrary to what the commenter stated.

**Comment:** Several commenters thought it inappropriate to refer in regulations to the Network requirements

without publishing them in the **Federal Register** for comment. One of these commenters believed that, because the specific Network requirements were not subject to public review and comment under the Administrative Procedure Act, they cannot be enforced.

**Response:** As a private entity, UNOS is under no obligation to publish its rules for public comment. According to UNOS, its rules are enacted only with the concurrence of its voting members and board of directors. With respect to enforcement, we note that Congress in passing section 9318 of OBRA 1986 required that an OPO, as a precondition for designation, abide " \* \* \* by the rules and requirements of the Network \* \* \* " and allocate " \* \* \* organs within its service area and nationally, in accordance with medical criteria and the policies of the Network \* \* \* ."

UNOS has stated that it welcomes public comment on its rules, regulations and Network membership criteria; it will consider the comments along with those already solicited through direct participation on the organ transplantation community. UNOS stated that it uses sound medical and scientific data and opinions as the basis for its standards and has no interest in adopting or enforcing standards that are not soundly based on such data and opinions.

**Comment:** One commenter did not agree that nontransplant hospitals should be required to be members of the Network.

**Response:** The commenter misunderstands the requirement of proposed § 482.12(c)(5)(i)(C). Nontransplant hospitals are not required to be members of the Network. Only hospitals that perform organ transplants that wish to continue to participate in the Medicare and Medicaid programs are required to be members of the Network.

**Comment:** One commenter questioned what effect the proposed Network membership would have on kidney transplant centers. Specifically, the commenter noted that transplant surgeon requirements of UNOS are more stringent than Medicare's and that UNOS is in the process of reviewing current members' qualifications. The commenter was uncertain what a currently approved Medicare kidney transplant center's status will be as a result of these regulations if UNOS has by that time not decided whether to accept the center. Similarly, the commenter wanted to know whether if one of a center's transplant programs (e.g., kidney) qualifies for membership but another transplant program (for



example, cardiac) does not, the hospital will have to suspend both programs or only the program that does not meet Network requirements if it wishes to continue to participate in Medicare and Medicaid.

**Response:** The commenter is correct that UNOS' staffing and experience requirements for kidney transplant surgeons are more stringent than those imposed under Medicare. Section 1138(a)(1)(B) of the Act does not require the Network's rules to be identical to those under Medicare. Under the UNOS requirement, a transplant surgeon who directs a transplant program must be board-certified or the equivalent and must have either (a) one year post-residency training and one year experience in transplantation; or (b) two years training in transplantation. The transplant physician must be at least board-eligible in an appropriate specialty and have either: (a) One year of specialized post-residency training; or (b) two years of experience. By contrast, under § 405.2102(g), a transplant surgeon must be board-certified or board-eligible in general surgery or urology and have at least one year training or one year experience in performance of renal transplantation and care of patients with renal transplants. Because section 1138(a)(1)(B) of the Act requires a hospital to be a member of the Network and to abide by its rules and requirements if the hospital performs organ transplants after November 20, 1987, the hospital must meet the Network requirements if it wishes to continue participation under Medicare and Medicaid.

UNOS has assured us that, following the criteria described above, it will accept as provisional members those programs that are now approved by Medicare as renal transplant centers if those centers do not fully meet the UNOS membership criteria. If a hospital has multiple organ transplant programs, it must meet Network criteria for all programs or immediately terminate any program that does not meet UNOS membership criteria in order for the hospital to continue participation in the Medicare and Medicaid programs. UNOS has rules that apply in such cases and it will inform any interested party of those rules upon request.

**Comment:** There were three comments on our statement in the proposed rule that we would modify the Network contract if necessary to prevent imposition of any "non-germane, exclusionary or discriminatory rules or conditions for membership." One commenter agreed and stated that we should start this process at once and

continue on a regular basis. A second commenter did not believe that requiring in regulations that the Network not establish onerous rules or conditions would be a solution. A third commenter wanted a more detailed discussion of our intention to amend the contract and wanted to know whether any special rights concerning appeals of Network decisions would apply beyond those in 42 CFR Part 498.

**Response:** As noted above, we have reviewed our contract with UNOS and have negotiated revisions to it in order to prevent imposition by UNOS of non-germane, exclusionary or discriminatory rules or conditions for membership.

Consequently, no regulatory revisions are being made at this time. Under our agreement with UNOS, a process for resolution of differences between the Network's views and those of the Department has been spelled out in the contract. Our contract with UNOS provides for corrective action or termination of the contract if UNOS imposes objectionable rules or conditions and agreement cannot be reached on resolving the issues in question.

**Comment:** One commenter, addressing the issue of Network rules and regulations, suggested that when the UNOS contract expires we incorporate the Network into the Medicare program as an OPO, since otherwise our authority to oversee the Network would expire.

**Response:** We disagree. Section 372 of the PHS Act states that "The Secretary shall by contract provide for the establishment and operation of an Organ Procurement and Transplantation Network \* \* \*". Without a contract there will be no Network. We expect to retain oversight authority in any contract. Thus, even if it were otherwise desirable and legal to do so, there is no need for HCFA to incorporate the Network into the Medicare program as an OPO.

**Comment:** One commenter stated that the use of the term "Network" to describe the affiliation of OPOs may be confused with the ESRD Network, as defined in § 405.2102.

**Response:** The commenter is correct and we will take appropriate measures to clearly distinguish the OPTN Network from the ESRD Network to avoid any confusion. We will retitle § 485.305 as "Organ Procurement Transplantation Network".

## 2. Organ Procurement Protocols

**Comment:** Several commenters were concerned that proposed § 482.12(c)(5)(i) emphasizes identifying "potential organ

donors" and implies that the requirements do not apply to tissues. The commenter believed our regulations should, consistent with statements made in the preamble, require the hospital to identify "potential organ or tissue donors". By not including tissue donors, the commenter stated that we are deviating from the intent of Congress in enacting the recommendations of the Task Force on Organ Transplantation. The number of tissue contributions exceed that of vascular organ donations so the commenter felt it is vital not to subordinate tissue procurement to organ procurement. On the other hand, another commenter pointed out that our narrative concerning the legislation stated erroneously what the legislation contained: we stated that the law requires hospitals to identify potential organ and tissue donors, whereas the law actually requires hospitals only to identify potential organ donors.

**Response:** Except for the requirement that families be aware of their option to donate tissue, the requirements of our regulations do not apply to donated tissues but only to donated vascular organs. We have avoided specific regulation with respect to tissues because we believe that at this time it would impose an unreasonable burden on an OPO to serve as the contact point for all organ and tissue donation. The commenter is correct that the number of tissue donations far exceed vascular organ donations. We understand there are other important differences between tissue procurement and organ procurement, including different staffing requirements and medical techniques. Further, many States already have tissue donation requirements that require the hospital to notify the tissue bank as well as the OPO. These arrangements appear to be working effectively. This in no way subordinates the importance of tissue procurement but reflects what we believe is Congressional intent for this provision to focus on the procurement and transplantation of vascular organs.

The second commenter was correct in stating that hospitals must identify potential organ donors only and we have revised the section that describes pertinent legislative provisions in this preamble to reflect this.

In the proposed rule, we did not require hospitals to make families aware of their option to donate organs or tissues, as required by law; we are revising § 482.12(c)(5)(i)(A) to include tissues. Also, in the proposed rule, we defined "organ" in § 482.12(c)(5)(iii) as a human kidney, heart, lung, pancreas, liver, "and any other human organ or



tissue specified by HCFA." Because this definition could require a hospital to have a protocol in place for an organ or tissue that has not been subject to the notice and comment process, we are including in the final rule only organs that are specifically named.

**Comment:** Two commenters suggested that small rural hospitals be exempt from the requirements of proposed § 482.12(c)(5) and not be required to have protocols for identifying potential organ donors, whom they believe are usually referred to larger facilities.

**Response:** Section 1138(a) of the Act requires, as a condition of participation, that all hospitals participating in the Medicare or Medicaid program must have a protocol for identifying potential organ donors, effective on November 21, 1987. Hospitals must comply with all participation requirements in order to remain in the Medicare and Medicaid programs.

**Comment:** One commenter believed that the hospital's critical care nurse must be involved in the development and implementation of the organ donor identification protocols since these nurses are the primary care givers to potential organ and tissue donors.

**Response:** Our requirement is that the hospital's governing body ensure that a protocol for identifying potential organ donors be developed. We are giving hospitals flexibility in devising and implementing protocols. We believe that many hospitals will want to involve critical care nurses in the development of organ procurement protocols because of their expertise, but we are not requiring hospitals to do so.

**Comments:** Two commenters stated that proposed § 482.12(c)(5) does not state how a hospital must document that it complies with an established protocol.

**Response:** All conditions of participation, including the requirement for a written organ procurement protocol, are assessed during the Medicare surveys. The JCAHO and AOA also survey their hospitals for compliance with these standards. During the survey process, the surveyor will determine from records, interviews and other sources whether adequate documentation exists to demonstrate compliance with the hospital's written protocol.

**Comment:** One commenter questioned the requirement in proposed § 482.12(c)(5)(i)(C) that an OPO designated by the Secretary be notified of potential organ donors. Specifically, the commenter wanted to know whether an OPO should be notified of every potential organ donor regardless of the family's declination to donate organs. The commenter believed mandatory

notification would increase the accuracy of OPO referral statistic and improve the documentation of the potential donor population.

**Response:** We do not require hospitals to notify an OPO of a potential donor when there is a known family declination. However, we expect relationships between an OPO and hospitals to vary, and we intend to allow the OPO and each hospital to establish a definition of potential donors. We consider it permissible for an OPO that wishes to have more accurate statistics to ask hospitals to include in their reports all potential donors from whom no organs were retrieved for whatever reason.

**Comment:** One commenter suggested that our regulations permit organ procurement protocols to reflect local conditions and available resources. Such a change would permit the flexibility necessary to approach each potential donor situation with the appropriate sensitivity.

**Response:** We believe § 482.12, as it was proposed, achieves the commenter's goal. We do not preclude a hospital from writing a protocol that reflects local conditions and available resources. However, each hospital that participates in Medicare and Medicaid must have a written protocol for identifying potential organ donors.

**Comment:** One commenter opposed the concept of organ procurement.

**Response:** Since 1973, Medicare has extended full coverage for kidney transplantation to virtually all persons suffering from end stage renal disease. Medicare also pays the full cost of care for kidney donors and acquisition costs of cadaveric kidneys. Improved access to organs as a result of Medicare payments to transplant facilities coupled with dramatic advancements in organ transplantation by the medical community have saved the lives of thousands of individuals.

The National Organ Transplantation Act of 1984 (Pub. L. 98-507) created a Task Force, which conducted a comprehensive examination of all aspects of organ procurement and transplantation. The Task Force on Organ Transplantation in developing its recommendations for organ procurement, was acutely aware of the imbalance between the demand for and the supply of human organs and hence the need to treat organs as a scarce and extremely valuable national resource. The Task Force study also concentrated on the need for hospitals to be extremely sensitive in their approach in their attempts to secure organs.

Some of our proposed requirements were based on the recommendations of

the Task Force on Organ Procurement and Transplantation established under Pub. L. 98-507, the National Organ Transplant Act of 1984; others, including performance standards, were based on expert advice from the Division of Organ Transplantation of the Public Health Service (PHS), which has been providing grants for the planning, establishment, initial operation, and expansion of OPOs and on our own experience with organ procurement agencies that furnish kidneys to Medicare beneficiaries. Both the PHS recommendations and our proposed standards draw heavily upon standards established by the Association of Independent Organ Procurement Agencies (AIOPA). (There are no national HOPA standards; individual HOPA standards apply only to the hospital served by the HOPA.)

We believe that all these aspects are embodied in our regulations and the designated OPO responsibilities.

### 3. Definitions

**Comment:** In another area of concern of hospitals, one commenter thought we should expand the definition of "organ procurement" in § 405.2102 from "the process of acquiring donor kidneys" to include all "vascular organs for transplantation". We had proposed only adding a cross-reference to OPOs and no substantive changes.

**Response:** 42 CFR Part 405, Subpart U, which contains § 405.2102, is titled "Conditions for Coverage of Suppliers of End Stage Renal Disease (ESRD) Services". That section contains all definitions applicable under the Medicare ESRD Program; it does not pertain to nonrenal organs. Subpart D of 42 CFR Part 485 contains conditions of coverage for OPOs and § 485.302 defines "organ."

We have, however, revised our proposed definition of "organ" from human kidney, heart, lung, pancreas, liver "or other human tissue or organ specified by HCFA" to one that includes only the organs named in the definition because the proposed definition has the potential of imposing requirements concerning organs upon which the public has not been given the opportunity to comment. (This new definition parallels that in § 482.12(c)(5)(iii).)

### B. Requirements for Organ Procurement Organizations

In order to implement section 1138(b) of the Act we proposed to add a new Subpart D to 42 CFR Part 485; it would be entitled, "Conditions of Coverage: Organ Procurement Organizations".



Several conforming or cross-reference changes were also proposed to Part 405, Subpart U, Conditions for coverage of suppliers of ESRD services; to § 413.178, Reimbursement of independent organ procurement agencies and histocompatibility laboratories; § 441.13 Prohibitions on FFP; and § 498.2, Definitions.

We proposed to add certain legislative requirements, as summarized below, and related requirements to make our rules consistent with similar provisions contained in section 371 of the Public Health Service (PHS) Act. Our proposed requirements were very similar to, but not necessarily identical with, those required by the PHS Act. This reflected our belief that some requirements of the PHS Act that appropriately apply to grantees are not relevant to Medicare payment for OPO services. We invited the public to comment on whether our regulations should more completely reflect the PHS Act.

The rules, as proposed, did not preclude any provider approved by HCFA for performing transplants from being reimbursed the acquisition costs incurred if it retrieved and transplanted an organ into one of its patients; section 1138(b) of the Act only covers procurement costs. If an approved hospital both retrieves an organ and transplants it, the transplant center still would be required to notify the designated OPO for its service area of the potential organ donor. We proposed to continue to pay a provider for the costs it incurs in retrieving an organ within its own facility that it cannot use in-house but furnishes to a designated OPO.

# 1. Major OPO Requirements

## • Basis and Scope, and Definitions

The specific regulations changes we proposed are summarized below. In a new § 485.301, Basis and scope, we indicated that these requirements would apply to both independent organ procurement agencies and hospital-based organ procurement agencies that wish to be approved for Medicare and/or Medicaid payment purposes. We added a new § 485.302, Definitions, to list terms used in this subpart. We received no comments on these sections.

## • General Requirements

In a new § 485.303, Condition: Organ procurement organization qualifications—General, we proposed to require an OPO to apply to HCFA in writing to be the designated OPO for its service area. This requirement would apply to all OPOs, whether hospital-

based or independent, whether a PHS grant recipient or not. We proposed to require that the OPOs meet other requirements related to membership in the Network, adherence to performance standards, and maintenance of records and data related to performance. We received no specific comments on this section.

## • Specific Requirements

In a new § 485.304, Condition: Qualifications required of an organization for it to be an approved organ procurement organization, we listed 15 specific requirements. We received no comments on paragraphs (b), (c), (h), (i), and (k) of § 485.304 and, therefore, we are not reiterating the discussion of them. Most of the comments we received were on several of these requirements, which we highlight below.

—Under proposed § 485.304(a) the organ procurement organization must be a nonprofit entity.

—Under proposed § 485.304(d), the OPO must submit documentation of its service area. A "service area" was defined (in § 485.302) as an area that is a geographical area of sufficient size (unless the service area comprises an entire State) to include at least 2.5 million in population or at least fifty potential donors each year and that includes an entire standard metropolitan statistical area (SMSA) or does not include any part of such an area. An OPO in an area with less than 2.5 million in population would have to submit quantifiable data showing that the area yields 50 or more donors per year. We would define "potential donors" as people who die in circumstances (including age, and causes and conditions of death) that would generally make at least one of their solid organs acceptable for transplantation if the donors could be identified in time and permission for donation could be obtained. The term would not represent either referrals or actual donors.

For purposes of § 485.304(d), we defined "entire standard metropolitan statistical area" as a metropolitan statistical area (MSA), a consolidated metropolitan statistical area (CMSA), or a primary metropolitan statistical area (PMSA), as defined by the Office of Management and Budget (the areas are listed in the State and Metropolitan Area Data Book published by the U.S. Bureau of the Census).

We expected documentation that precisely defines the proposed service area to include the following—

- Counties (parishes in Louisiana) served;
- Geographic boundaries of the service area for which U.S. population statistics are available;
- Total population in the service area; and
- The number of and the names of acute care hospitals capable of providing organ donors in the service area.

—In § 485.304(e), we proposed to require an OPO to have a director and such other staff, including an organ procurement specialist and an organ procurement coordinator, necessary to obtain organs effectively from donors in the service area.

—In § 485.304(f) we would require the organ procurement organization to have a board of directors or an advisory board that has the authority to recommend policies relating to the donation, procurement, and distribution of organs. The board of directors or advisory board must consist of:

- Members who represent hospital administrators, intensive care or emergency room personnel, tissue banks, and voluntary health associations in the service area;
- Members who represent the public residing in such area;
- A physician with knowledge, experience, or skills in the field of histocompatibility;
- A physician with knowledge or skills in the field of neurology; and
- A transplant surgeon from each transplant center in the service area with which the OPO has arrangements to coordinate its activities.

• For identifying potential donors, we proposed to require in § 485.304(g) that the OPO have a working relationship with at least 75 percent of hospitals within its service area that have facilities for retrieving organs. In the preamble to the proposed rule, we stated that the working relationship was to be documented by evidence that supports the organization's ability to meet the proposed conditions. The documentation was to explain the OPO's plans or systematic efforts to provide a range of organ procurement services, including, for example, actual organ retrieval, organ sharing and professional education activities (such as staff visits to local hospitals and in-service education sessions) that are intended to acquire or coordinate furnishing all usable organs in the organization's proposed service area.

We identified as preferable documentation a copy of written agreements with the various hospitals



and transplant centers in its service area that list responsibilities and functions. We noted that if an organization seeking approval as an OPO did not have a written agreement with a given facility, we would accept a letter of intent from a hospital or transplant center that it would enter into such agreement within 12 months of the OPO's designation. If an organization did not have either a written agreement or letter of intent, we indicated that it should submit other documentation of its working relationship.

We recognized that there may be instances where fewer than 75 percent of the hospitals would agree to cooperate with any one OPO. Therefore, we invited the public's comment on this criterion.

- In § 485.304(l), we proposed to require the OPO to have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage and distribution of tissues as may be appropriate to assure that all usable tissues are obtained.

- In § 485.304(m), we proposed to require the OPO to maintain and make available to the Secretary, the Comptroller General, or their designees data that show the number of organs procured and transplanted as required (as measured by the performance standards in the new § 485.306).

- In § 485.304(n), we would include the requirement that the OPO maintain data in a format that can be readily assumed by a successor OPO and agree to turn over to the Secretary copies of all records and data necessary to assure uninterrupted service by a successor OPO that is newly designated by HCFA.

#### • Membership Requirements

We proposed in § 485.305 to require an OPO to be a member of, have a written arrangement with, and abide by the rules and requirements of the Network. Our requirement was based on section 1138(b) of the Act, which requires as a condition of payment for organs procured from an OPO, that the OPO be a member of, and abide by the rules and requirements of, the Network established pursuant to section 372 of the PHS Act. We did not define, describe or otherwise circumscribe the statutory phrase "rules and requirements" in the proposed rule. Nor did we delineate what would constitute membership in the Network.

Some concern has been expressed, before and after the proposed rule was published, about the requirement that OPOs be members of and abide by the rules of the Network in order to be designated. As discussed earlier with respect to similar concerns expressed by transplant hospitals, to allay any fears

that the Network's contractor might use particular membership criteria or rules in an exclusionary or discriminatory manner, we stated that by the time the proposed regulations were issued in final, we would amend the current contract (or issue appropriate regulations) to specify that the contractor is not permitted to impose any nongermane, exclusionary or discriminatory rules or conditions for membership. In addition, we solicited comments as to how "nongermane", "exclusionary", and "discriminatory" need to be defined, if at all, and problems commenters might anticipate in the absence of a definition.

#### • Performance Standards

In a new § 485.306, Condition: Performance standards for organ procurement organizations, we proposed the requirements an OPO would have to meet to be recertified and redesignated as the area OPO and continue to participate in the Medicare and Medicaid programs and continue to receive reimbursement. On the basis of advice from the PHS, we proposed the following as performance standards:

- Each OPO would have to procure within its service area a minimum ratio of 23 cadaveric kidneys per million population of its service area for each 12 month period surveyed.
- Each OPO would have to provide a minimum ratio of cadaveric kidneys procured in its service area and transplanted (either locally or exported and transplanted) of 19 cadaveric kidneys per million population of its service area for each 12 month period surveyed.
- Each OPO would have to provide multiple organs for transplantation from a minimum of 20 percent of the total number of donors procured in its service area for each 12 month period surveyed. (Multiple organs refers to the donation and recovery of more than one vascular organ from a single organ donor. A pair of kidneys is considered a single organ in this definition.)

We proposed that each designated OPO would not be required to meet the performance standards until two years after it is approved (see § 485.306). By the end of the first two-year period, it must meet the requirements of §§ 485.304 through 485.306 in order to be recertified.

For recertification, we stated our intention to use State survey agencies to survey each approved OPO at least once every two years to determine if it continues to meet all applicable requirements of §§ 485.304 and 485.305

and meets the performance standards for recertification. Hospital-based OPOs as well as independent OPOs would be subject to the State agency survey. If a hospital-based OPO is located in a "deemed status" hospital, which has been accredited by the JCAHO or the AOA, it would not be exempt from this requirement.

#### • Failure To Meet Requirements

In a proposed new § 485.307, we stated that if an OPO fails to meet the conditions in §§ 485.304 through 485.306, we would notify the Network and transplant centers in the OPO's service area that services furnished by that OPO on or after a specific date are not eligible for Medicare payment or Medicaid FFP. We proposed that any future costs of organs procured from an OPO on or after that date would not be reimbursable. We proposed to then suspend payment for those costs until the OPO was in compliance. If the OPO did not come into compliance, we planned to proceed to terminate the agreement to reimburse costs of organs procured from the OPO under Medicare and Medicaid and the agreement that the OPO is the designated one for its service area. We proposed to provide the right to appeal a proposed suspension of payment or termination of agreement. This appeal right was to be the same as that granted to other providers and suppliers and is found in §§ 498.3 and 498.5 (see 52 FR 22444).

#### • Multiple Applicants in a Service Area

In proposed new § 485.308, we stated that the Secretary may only designate one OPO per service area, as required under section 1138(b)(3) of the Act, and we identified factors we would consider to help us to determine which of multiple applicants for the same service area best meets the requirements when more than one meets our criteria.

We proposed to consider (1) bed capacity associated with the hospitals; and (2) prior performance, including the previous year's experience in the number of organs wasted and retrieved and the average cost per organ. Although these additional factors are important, they stress numerical values and for that reason are secondary in consideration. In the preamble to the proposed rule, we invited public comment suggesting additional factors to consider.

We also noted that there may be applicants whose proposed service area surrounds and includes another applicant's proposed service area. In such a case, we stated our intent to give



additional consideration to the applicant with the larger service area.

#### Comments on Proposed Requirements

##### *Specific Qualifications to be an OPO—§ 485.304*

##### a. Nonprofit Entity (§ 485.304(a))

*Comment:* One commenter believed that "nonprofit entity" should be more specifically defined to clarify organizations eligible to apply as an OPO.

*Response:* We agree. We are revising our regulations at § 482.304(a) to define "nonprofit entity" as "an entity exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1986".

*Comment:* One commenter concurred with the nonprofit requirement and urged that section 301 of the National Organ Transplant Act be strengthened to assure that OPOs do not circumvent this requirement.

*Response:* Section 1138(b)(1)(A)(i) of the Act requires that all designated OPOs be nonprofit entities. We will conduct periodic surveys to determine whether the OPO remains in compliance with the requirement. Entities found out of compliance with this, or any other, requirement are at risk of termination from the program. We do not, however, support a suggested amendment to section 301 of the National Organ Transplant Act, which would provide for a fine or imprisonment of persons who knowingly acquire, receive, or otherwise transfer for valuable consideration any human organ for use in human transplantation.

##### b. Service Areas (§ 485.304(d))

*Comment:* One commenter had several questions on the service area requirements of § 485.304(d) and the use of MSAs. First, if an MSA crosses State lines, the commenter wanted to know if the service area could cross State lines. Second, the commenter wanted to know if two or more MSAs may be united to form a service area. Third, it appeared to the commenter that an OPO may not include a non-MSA county if it also includes an MSA as part of the service area; the commenter asked whether this is intentional. If so, the commenter believed it conflicts with the regulatory language that seems to allow an OPO to decide which counties to include and would make it nearly impossible to create a purely rural OPO.

*Response:* In response to the first two issues, a service area may cross State lines, and two or more MSAs may be united to form a service area. On the third issue, we intended merely to say

that an OPO may not consist solely of a part of an MSA or PMSA.

Section 371 of the PHS Act requires that a service area either include an entire SMSA or not include any part of such an area. We interpret this to mean that if a service area includes a MSA or PMSA, such areas must include the entire MSA or PMSA.

*Comment:* One commenter thought that, when describing a service area, an OPO should not have to name all counties if the service area is the entire State.

*Response:* We agree and are modifying the regulations accordingly.

*Comment:* One commenter believed that the requirement in § 485.304(d) that an area should yield 50 or more potential organ donors per year should be revised to mention "solid or vascular" organs specifically and to provide an appropriate allowance for wastage in order to prevent OPOs from using tissue donors in their count and from knowingly using unacceptable donors merely to meet numerical requirements.

*Response:* We agree. We are revising our regulations at § 485.304(d) to assure that our criteria for designation and recertification are met specifically based on retrieval of solid or vascular organs; this revision will provide the allowance for wastage.

*Comment:* Two commenters believed that our proposed criterion that an OPO in a service area of less than 2.5 million population provide us with quantifiable data that the area yields 50 or more donors annually may disrupt some programs that are functioning effectively. One of these commenters thought the population base should either be only one of several independent criteria for OPO designation or eliminated. Two other commenters stated that 50 should not be the minimum required; they did not suggest a minimum.

*Response:* This criterion is based on section 1138(b) of the Act, which specifies that, among other things, in order for an OPO to be eligible to receive payment for its organ procurement costs, it must be qualified as described in section 371 of the PHS Act or have been certified or recertified by the Secretary as meeting the standards of a PHS-qualified OPO. Section 371 of the PHS Act defines service area as "a geographic area of sufficient size which (unless the service area comprises an entire State) will include at least 50 potential organ donors each year and which includes an entire standard metropolitan statistical area or does not include any part of such an area". The prevailing view in

the professional community is that a population of 2.5 million would result in identification of 50 potential donors. This computes to 20 potential donors per million population. We believe, therefore, that there is a reasonable basis for the criterion and do not anticipate undue disruption of effectively functioning programs.

*Comment:* One commenter stated that verifying that a service area yields 50 potential donors per year will be virtually impossible in small OPOs, as it would require that the OPO perform a retrospective death analysis in the hospitals that it claims in its service area.

*Response:* We disagree. We believe a reasonable approximation may be achieved by looking at past performance and trends showing numbers of actual organs procured. We recognize that numbers of potential and actual donors will not be the same, but the numbers are sufficiently correlative to estimate the potential donors in a population.

*Comment:* One commenter wanted clarification as to whether the areas with a population of fewer than 2.5 million must yield 50 actual or 50 potential donors.

*Response:* For an area of fewer than 2.5 million population, there must be quantifiable data to show that there are at least 50 potential donors. (See discussion below for situations where an entire State is not expected to yield at least 50 potential donors.)

*Comment:* One commenter recommended that we include tissue donors in determining that an area has 50 or more potential donors, as current procurement agencies with tissue banks that are not designated as OPOs will lose their referral bases for tissue donors.

*Response:* We disagree. The purpose of this rule is to address only vascular organs. The requirement of "50 or more potential donors" refers to vascular organ donors, and we have clarified this point in the regulations text (§ 485.304(d)). This rule does not apply to organ referrals or tissue donors from nondesignated OPOs or tissue banks or to organs or tissues donated for use in non-Medicare or non-Medicaid patients.

*Comment:* One commenter thought that where a geographic area is large and sparsely populated and approximately the size of a State, the OPO should not have to meet the requirements concerning a 2.5 million population base or minimum of 50 potential donors. On the other hand another commenter believed that, if an entire State does not have 50 potential donors per year, it should not have an



OPO designated for that State only. Another commenter believed we should limit the exception of allowing less than a 2.5 million population base to service areas comprising entire States. Still another commenter thought we should retain OPOs with small donor populations except to the extent their areas overlap, as some of them have long standing positive relationships with the donor hospitals in their areas. A fifth commenter believed that in cases of overlapping service areas, an OPO in a rural area that services part of several States but does not meet the population or donor criteria should not necessarily lose out to an OPO that describes its service area as an entire State.

**Response:** Under section 1138(b) of the Act, payments for organ procurement costs may be made only to OPSs that are designated by the Secretary. The Secretary may not designate more than one OPO per service area (as described in section 371 of the PHS Act). Section 371(b) of the PHS Act defines service area as an area " \* \* \* which is a geographical area of sufficient size which (unless the service comprises an entire State) will include at least fifty potential organ donors each year and which either includes an entire standard metropolitan statistical area (as defined by the Office of Management and Budget) or does not include any part of such an area \* \* \*." Our regulations comply with the PHS Act in this regard. Accordingly, if the service area is an entire State, an OPO may be designated (assuming it meets all other requirements) even if its service area will yield fewer than fifty potential donors. Conversely, an OPO that has a service area that is not an entire State, regardless of the size or character of the area, must demonstrate that its service area will yield at least fifty potential organ donors.

**Comment:** Because methods for quantifying potential donor populations in a given area are scarce and inconsistent among programs, according to one commenter, HCFA should investigate the current methods for quantifying potential donor populations and promote the development and use of a reliable and effective survey methodology for use by all OPOs.

**Response:** HCFA will rely on reasonable documentation furnished by OPOs in support of their estimates of potential donor populations. We would expect that one element of the estimate would be the actual procurements by an OPO in its service area. Should the need for a more uniform methodology become evident with experience, HCFA will undertake its development.

#### c. Staff Requirements (§ 485.304(e))

**Comment:** Three commenters thought we should define "organ donation coordinator" and one of them believed the same about "organ procurement specialist" (§ 485.304(e)); these are important terms and are used on the OPO certification application.

**Response:** We believe these terms are generally understood in the professional medical community and have received no indication that there is a need for the Federal government to define terms.

#### d. Advisory Board (§ 485.304(f))

**Comment:** A large number of commenters suggested additional or changed requirements relating to OPO advisory board or board of director membership. Their suggestions and rationale are summarized below.

- The requirement in proposed § 485.304(f)(1) that the OPO advisory board or board of directors include "emergency room personnel" should be changed to "emergency room nurses," as "personnel" is too general a term.

- A critical care nurse should be on the board.

- A registered nurse should be on the board.

- Every board should have a hospital administrator with full, not just advisory, powers.

- In § 485.304(f)(3), a "physician with knowledge, experience or skills in the field of histocompatibility" should be changed to "physician or other doctoral level individual \* \* \*", because many or most of those involved in transplantation immunology are immunologists and geneticists, rather than physicians.

- The requirement should specify "human" histocompatibility testing.

- The terms "knowledge, experience and skills" permit subjectivity in identifying individuals qualified to serve on this board and we should require documentation.

- The board member should be an individual who meets the Network's (UNOS) qualifications for director of a histocompatibility laboratory.

- One commenter recommended lengthy specific alternate qualifications.

- The individual should be experienced in immunogenetics as well as histocompatibility.

- In § 485.304(f)(4), the requirement that the board contain a "physician with knowledge or skill in neurology" should be changed to "a physician with knowledge or skills in neurology or neurosurgery", as most cases of neurological death are ascertained by neurosurgeons.

- In 485.304(f)(5), transplant physicians should be allowed or required to be members of the board as well as transplant surgeons.

- The requirement that the board of directors or advisory board have a transplant surgeon from each transplant center in its area should be dropped because the refusal of one surgeon could put the potential OPO at a competitive disadvantage.

- We should require a transplant coordinator to be included on every OPO board.

**Response:** We are making some of the suggested changes to § 485.304. Section 1138(b) of the Act requires an OPO to either be a PHS grantee, meeting the requirements of the PHS Act, or be certified and recertified by the Secretary as meeting those same requirements. Because an OPO that is designated has to meet the PHS Act requirements, we cannot have requirements different from those of the PHS Act. We accept the comment that would allow a neurosurgeon instead of a neurologist, since the PHS Act only requires a "physician with knowledge or skill in this field of neurology," which would encompass both a neurologist and neurosurgeon. We believe this change would broaden the availability of competent individuals but not change the requirement for expertise in the area. We will also change the regulations to specify "human" histocompatibility.

We do not believe that we should make our requirements more specific or stringent; e.g., to require emergency room "nurses" instead of "personnel" or require certain qualifications of a physician experienced in histocompatibility. Such requirements would be too prescriptive, but any OPO board may impose requirements, such as those suggested, on its own members or can require additional members that we do not require.

We will require an individual's skill, knowledge or experience to be documented; compliance will be evaluated during the survey process.

We could also like to clarify § 485.304(f)(1): as proposed (and in section 371(b)(1)(G)(i)(2) of the PHS Act), the regulation implies that the board must have only one of three types of personnel (hospital administrators, emergency room personnel or intensive care personnel) when actually there must be *both* a hospital administrator *and either* intensive care *or* emergency room personnel.

**Comment:** Thirteen commenters cited the Task Force on Organ Procurement report in April 1986 with respect to an



OPO's advisory board make-up: at least 20 percent of the board's members should be members of the public and "not more than 50 percent may be surgeons or physicians directly involved in transplantation." Our proposed rule does not follow this recommendation (it does not specify percentages). One of these commenters suggested that the members of the public should have no direct or indirect professional affiliation with the transplant center or OPO, and that we allow the OPO up until the time of its first recertification to meet these suggested requirements.

**Response:** We do not agree with these comments. To require or limit certain percentages of specified members or to specify the qualifications of members of the public would be overly prescriptive and would take away the flexibility we believe the board needs to be effective. A board may voluntarily follow the recommendations of the Task Force, if it wishes, but we will not require it to do so.

**Comment:** Two commenters thought the board should have the authority to establish policy, rather than merely recommend policy.

**Response:** It would be appropriate for the OPO to vest such power in the board of directors if it so chooses.

**Comment:** One commenter thought that we should add language to require equal representation on a OPO board of all transplantation centers in its area, whether or not they perform single or multiple organ retrieval. According to the commenter, some surgeons are biased against multiple organ retrieval, and the only way the situation can be monitored locally is to maintain enforced communication between centers.

**Response:** We do require equal representation. Our regulations require that there be on the OPO board of advisors or directors a transplant surgeon from every transplant center that has an agreement with the OPO. This requirement follows the statutory requirement in section 371 of the PHS Act.

**Comment:** One commenter stated that he believes the requirement that the OPO have a board of directors or an advisory board is a misprint. It is his belief that the OPO must have a board of directors and/or an advisory board that meets the requirements.

**Response:** Section 371(b)(1)(G) of the PHS Act requires an OPO to have a board of directors or an advisory board. Our regulations follow that Act in that regard. This requirement is not exclusive, however; an OPO may have both types of boards if it wishes.

#### e. Working Relationships with 75 Percent of Area Hospitals (§ 485.304(g))

**Comment:** We received several comments concerning the definition of "hospitals . . . that have facilities for harvesting organs" as that phrase was used in the proposed rule (52 FR 28668, col. 3). One of these commenters stated that a determination as to whether a hospital has "facilities" should be based on the number of acute beds and emergency room, intensive care and operating room capabilities of the hospital. Further, the criterion should be to have a working relationship with 75 percent of the hospitals in the service area capable of retrieving organs, which would specifically include only hospitals with more than 75 beds with an emergency room and intensive care capability. (This opinion stems from the commenter's perception that many smaller hospitals (25 to 75 beds) are reluctant to enter into a commitment with an OPO because of a perceived lack of capability.) Another commenter thought these hospitals should be defined as those capable of supporting and referring vascular organ donors within their service area. He believed that effort in establishing agreements with hospitals not capable of supporting and referring vascular organ donors to be counterproductive. One commenter stated that "facilities for harvesting organs" should be clearly defined, since any hospital with an operating room meets this general definition and smaller hospitals are unlikely to have many organ donors. Another commenter believed the hospitals should be only those that are able to refer a significant number of cases of head injuries, cardiovascular accidents or others that yield potential donors, and have the ability to declare patients dead by established brain death criteria.

Several commenters believed that having working relationships with 75 percent of the hospitals in the service area is not a good measure of organ procurement activity. They suggested that better criteria are: bed size, death rate, and outcome. One commenter also suggested that in sparsely settled areas, medical air transport systems should be evaluated, since they play an important part in determining the treatment location of patients suffering from trauma or acute medical conditions.

Some comments displayed a variety of beliefs concerning whether hospitals were required to have working relationships with OPOs or only vice versa.

**Response:** We are clarifying the definition of "hospitals that have facilities for harvesting organs" to be the

same as "hospitals . . . that have the equipment and personnel for harvesting organs," as used in § 485.304(g) and "hospitals capable of providing organ donors" as used in § 485.304(d). We meant the same thing by all three descriptions. However, based on these comments we are revising § 485.304(d)(4) and (g) to be more specific. We are describing the hospitals with which OPOs must have agreements as hospitals that have, as a minimum, an operating room and the equipment and personnel to retrieve organs. We do not agree to specify a minimum bed size because there are very small hospitals that have an operating room and the equipment and personnel to retrieve organs. We are also not requiring that the hospitals have intensive care capability because such a requirement might eliminate many hospitals that are capable of retrieving cadaveric organs.

In response to expressed confusion about the criterion that an OPO have a working relationship with at least 75 percent of the hospitals in its service area and the desire that we clarify the relationship between OPOs, nontransplant hospitals and transplant hospitals, we offer the following clarification.

- All Medicare-Medicaid approved hospitals must have written protocols to identify and notify an OPO of potential organ donors. We do not consider a hospital's protocol of itself to constitute establishment of a working relationship (which we discuss in further detail below), nor does notification to an OPO of a potential organ donor constitute a working relationship.

- While all Medicare and Medicaid participating hospitals that perform transplants must belong to the Network, there is no requirement that non-transplant Medicare and Medicaid hospitals belong to the Network or enter into a working relationship with an OPO. (The statutory requirements that participating hospitals, both transplant and nontransplant, establish written protocols for organ procurement and that transplant hospitals be members of Network are embodied in the Conditions of Participation for Hospitals, § 482.12. A hospital's failure to meet these requirements will be considered noncompliance and constitute cause for us to initiate termination of its participation in the Medicare and Medicaid programs.)

- Each hospital may have a working relationship with any designated OPO regardless of its service area, or, except for a transplant hospital, it may choose not to have a working relationship with any OPOs at all. However, we are



requiring, as a performance standard, that an OPO enter into a working relationship with any hospital or transplant center in its service area that requests the relationship.

• Under revised § 485.304(g), the OPO must have documented evidence of a working relationship with at least 75 percent of the hospitals in its service area that have an operating room, equipment and personnel for retrieving organs.

*Comment:* Four commenters believed that the 75 percent requirement with respect to working relationships was too high a requirement; two commenters thought the percentage should be no higher than 60 percent. Another commenter suggested that the percentage should be 50 percent initially and 75 percent by the time of the first recertification. On the other hand, one commenter believed the percentage should be 100 percent.

*Response:* The requirement that an OPO have a working relationship with at least 75 percent of the hospitals that have the equipment and personnel for retrieving organs in its service area comes from the Labor and Human Resources Committee of the House of Representatives (H.R. Rep. No. 575, 98th Cong. 1st sess., 9 (1983)). (This Committee stated that OPOs must have "effective agreements with a substantial majority—generally more than 75 percent—of hospitals in their areas".) In addition, section 371(b)(2)(A) of the PHS Act uses the term "substantial majority". We are providing considerable flexibility in accepting documentation supporting evidence of an effective working relationship between a hospital and an OPO. For example, we will accept a written agreement, a letter of intent, records of actual organ procurement, evidence of educational activity, and other documentation. Since it is clear that an effective working relationship with a significant number of hospitals is important to the smooth functioning of organ procurement activities, we are retaining this criterion at the 75 percent level. We see no compelling reason based on the comments received to lessen that percentage.

#### f. Letters of Intent

*Comment:* One commenter suggested that the use of letters of intent to comply with the 75 percent criterion be included in the regulations. He also wanted to know whether letters of intent that are conditional upon the designation of the OPO would be acceptable.

Two commenters thought that, because hospitals may have agreements with more than one OPO, records of

actual procurement will be the proof of services provided. Another commenter thought that other evidence of a relationship should be an activity report. Two commenters stated that very few hospitals are willing to sign a written agreement, and another commenter thought written agreements to be unnecessary and to promote possible commercialization of organ retrieval.

One commenter thought that pre-existing agreements with OPOs should not be valid.

*Response:* We are not accepting the comment that we include in regulations a requirement that an OPO have letters of intent from 75 percent of the hospitals in its area that have the facilities for retrieving organs. A letter of intent is only one form of documentation we regard as acceptable. As other commenters pointed out, many hospitals are reluctant to sign any sort of agreement, and obtaining letters of intent from 75 percent of them may be impossible.

Letters of intent that are conditional upon the designation of the OPO are acceptable, as are other forms of documentation.

We believe that some commenters have misunderstood the 75 percent working relationship criterion. We did not, and will not, require a written agreement or letter of intent from 75 percent of all the hospitals in the service area; we only require documented evidence of a working relationship, with written agreements or letters of intent being preferable, with at least 75 percent of the hospitals that have an operating room and the equipment and personnel for retrieving organs. Other evidence would include the examples cited by the commenters.

We disagree that pre-existing agreements should not be valid. Pre-existing agreements clearly represent ongoing working relationships; it would be unnecessarily burdensome to require an OPO to acquire what would essentially be a ratification of their present agreement. Hospitals may have an agreement with as many designated OPOs as they wish, even if such OPOs are outside of the service area in which the hospital is located.

#### g. New OPOs

*Comment:* Two commenters stated that a newly established OPO should have more time to develop working relationships with area hospitals.

*Response:* We disagree. In the preamble to the proposed rule we stated there was no evidence that these rules would put an improper burden on new OPOs, but we would monitor the

situation and respond to any problems that emerge. This we will do.

*Comment:* Two commenters believed that the fact that many rural hospitals have not been actively involved in organ donation should be taken into consideration in the establishment of a new OPO.

*Response:* We do not accept this comment. Although an OPO may have to expend additional effort to begin obtaining organs from hospitals that have not been actively involved in organ donation, this should enhance the ability of the OPO to develop a working relationship sufficient to identify that OPO as an entity with which the hospital will deal for purposes of organ retrieval.

*Comment:* One commenter urged us to be flexible in applying our requirements when designating OPOs, particularly in view of the time constraints. He also stated that OPOs operating in rural areas in particular may need flexibility because of geography and transportation problems.

*Response:* We have no authority to apply different standards to OPOs based on geographic or other considerations. Since an OPO selects its service area and since Congress has given an extension in the effective date, we believe that entities have been given sufficient flexibility to enable them to meet the requirements necessary for designation. There is nothing that requires a rural area to be included in the service area of an OPO. Hospitals in rural areas are free to work with any designated OPO and, conversely, any designated OPO could establish relationships with the hospitals. Whenever appropriate, an OPO could apply for designation in the area.

*Comment:* One commenter thought that the regulations would effectively prevent a new OPO from being designated as the OPO for its service area.

*Response:* Where two or more OPOs are seeking designation for the same or an overlapping service area, we acknowledge that existing OPOs have the advantage of already having a working relationship with hospitals in the area. However, there is no requirement prohibiting a hospital from having agreements with multiple designated OPOs and our regulations are neutral with respect to an old or a new OPO being designated as the OPO for its service area when both meet our criteria. However, we note that the tie-breaking criteria concerning past performance may work in favor of a new OPO, as an established one may be less than satisfactory to area hospitals.



## h. Data Requirements (§ 485.304(m))

*Comment:* One commenter stated that the proposed data submission requirement should be coordinated with data submission requirements of UNOS under the Network contract. The commenter believes that UNOS' mandatory data collection system for its members will provide all the data HCFA needs concerning OPOs.

*Response:* We agree. We are working closely with UNOS to assure that any additional data needed will be included with the data it collects. UNOS' agreement with the Secretary requires it to collect data HHS needs on transplantation. Although the data do not now include OPO information, HHS and UNOS are revising their agreement to include such data.

*Comment:* One commenter would like HCFA's review of the Network contract to ensure against excessive and overly burdensome reporting requirements for designated OPOs and transplant centers.

*Response:* We have reviewed the Network contract to ensure against any excessive and burdensome paperwork reporting requirements. Also, the public will have opportunity to comment on the reporting requirements when they are submitted for Office of Management and Budget review pursuant to the Paperwork Reduction Act of 1980. A notice published in the *Federal Register* will notify the public of this opportunity.

*Comment:* One commenter stated that cooperative sharing of data among OPOs, the ESRD Network and transplant centers will improve data analysis and reporting, so that useful information is available to patients, transplant professionals and others.

*Response:* We agree. We will have discussions with UNOS to foster the sharing of data among OPOs, the ESRD Network, transplant centers, and histocompatibility laboratories.

## i. Data Requirements for Successor OPOs (§ 485.304(n))

*Comment:* One commenter was concerned with confidentiality of patient records turned over to a successor organization, and suggested that the issue be addressed. He also believed that our requirements relating to hospital organ procurement protocols (§ 482.12) should require the hospital to turn over to the OPO records concerning the donor's suitability as a donor.

*Response:* We are adding a new paragraph (o) to § 485.304 to ensure that OPOs have a procedure to preserve the confidentiality of patient records and not release or allow access to them, copies of them or parts of them except to

authorized individuals. The records must be released only in accordance with Federal or State laws, court orders or subpoenas. This provision parallels our requirements of hospitals concerning medical records.

Through operating instructions, we intend to require all OPOs to assure us that they are taking adequate measures to preserve confidentiality of all patients' records; these measures also will apply to records turned over to a successor OPO. The OPO's participation agreement will contain the same confidentiality requirements that apply to other Medicare-Medicaid providers and the OPOs will be surveyed for compliance by the State survey agency.

## Network Participation Requirements (§ 485.305)

*Comment:* One commenter stated that UNOS requires its members to have a provider number, but Medicare will not issue a provider number to a new OPO until it belongs to the Network. He recommended that we delay the implementation of the membership requirement until UNOS has informed all new applicants of their acceptability for membership.

This commenter also stated that, as of the date of his comment (September 16, 1987), UNOS had not distributed its updated rules and regulations. HCFA is requiring that OPOs enter into agreements with UNOS, but the commenter observes that the conditions for those agreements have not been specified. He recommended the HCFA delay this requirement until HCFA and the OPOs have an opportunity to review the rules of UNOS.

*Response:* The statute requires, effective April 1, 1988, that all OPOs, as a condition for designation, be members of the Network. The Network contractor, UNOS, has informed us that all applications were quickly reviewed and that all applicants that submitted timely applications were informed of the outcome of the UNOS review. Further, HCFA has reviewed all requests for a provider number from OPOs and has granted identification numbers to qualified OPOs notwithstanding UNOS membership.

*Comment:* One commenter stated that the UNOS Board does not include any individual representing hospital-based organ procurement agencies (HOPAs) and that HOPAs are discriminated against through the UNOS voting mechanism: HOPAs receive one vote and independent OPAs (IOPAs) receive three. The commenter also requested a review of the reporting relationship of the Network contractor's board to the Secretary.

*Response:* UNOS has informed us that its voting members receive only one vote each. UNOS is a private organization and we have no authority over who is or should be on its board of directors; we are referring the commenter's concern to UNOS, though. As for the reporting mechanism, the Secretary is represented through a DHHS project officer who receives regular reports from UNOS and who attends many of its public meetings.

## Performance Standards (§ 485.306)

*Comment:* Two commenters suggested we add another function for OPOs to fulfill: every OPO should devote some of its resources to support professional education programs. One of these commenters also thought every OPO should provide assistance to hospitals for establishing protocols concerning organ donation. Another commenter stated that the OPOs must educate the public in transplantation.

*Response:* We agree with the first comment and are clarifying the regulations to require OPOs to conduct and participate in professional education. However, we will not add this function as a performance standard and give designated OPOs two years to meet it, but instead we will add it to the conditions for initial (and ongoing) designation in § 485.304, as paragraph (p). We believe this is in accord with section 371(b) of the PHS Act. While we do not mandate OPO assistance with the written protocol, we believe that the OPO would have every incentive to do so in order to achieve a mutually beneficial working relationship with the hospitals that it serves. During the survey process it will become apparent from the OPO's performance whether its relationship with hospitals includes professional educational programs or assistance with protocols.

We do not agree to require an OPO to educate the public in transplantation. However, we encourage such activities and will pay reasonable costs associated with them, but because such activities frequently duplicate hospitals' efforts and that of private organizations, we do not require them.

*Comment:* Two commenters thought that performance standards should be conditional; they should be reviewed and revised periodically because of constantly changing State and Federal statutes or because of actual OPO experience.

*Response:* We agree in part. Although the performance standards were developed after lengthy study and analysis, we will review and revise them periodically as conditions and



changes in organ procurement dictate. However, OPOs will have to meet the performance standards unless and until we revise them in regulations.

**Comment:** One commenter recommended that the wastage rate and cause for not using a donated organ be documented and reviewed at the time of recertification. The commenter also strongly recommended the development of specific quality assurance guidelines and outcome criteria.

**Response:** These regulations already include performance standards, which measure outcomes and wastage. We will give careful consideration to the need for additional quality assurance guidelines and outcome criteria as experience dictates.

**Comment:** One commenter stated that the 18 percent wastage rate permitted by the performance standards (i.e., 19 cadaver kidneys/million population procured and transplanted compared to 23 cadaver kidneys procured) is excessive and would encourage OPOs with low wastage rates to procure knowingly unacceptable kidneys. One commenter objected to the numerical criteria, stating they serve as production criteria and may have a negative effect on the quality of donated organs. He suggested a payment cap instead be established for donated organs to reduce costs.

**Response:** We include criteria that are based in large part upon those of the Association of Independent Organ Procurement Organizations (AIOPA), a long-established professional association. However, if those criteria prove out-of-date, too lenient or too hard to meet, we will change them. We will evaluate them and make any necessary revisions. We will further consider the feasibility of imposing a payment cap for donated organs. However, before we make any such changes, we will provide an opportunity for public comment.

**Comment:** One commenter wanted to know whether the requirement that multiple organs be retrieved from at least 20 percent of donors means that a kidney or kidneys must be retrieved in every multiple organ retrieval.

**Response:** On the basis of this and other comments, we have reevaluated our proposal concerning retrieval of multiple organs. Since Medicare pays broadly for kidney retrieval, on a much more limited basis for heart retrieval and livers for children, and not at all for other organs, we are withdrawing our requirement (in proposed § 485.306(a)(3)) that would set a standard for multiple organ retrieval.

**Comment:** One commenter objected to giving OPOs two years to meet performance standards because it

makes it possible for an OPO that does not meet any of the standards initially to be designated. He asserted that the OPA in his State was able to become an OPA without meeting any standards and without procuring, preserving, recovering or itself transporting recovered organs. He thought the OPA is likely to become the OPO for his State and his hospital and many others in his geographic area of the State prefer a HOPA in an adjoining State.

**Response:** As mentioned in our discussion of § 485.303, our initial certification of an OPO is for two years. To be certified and designated the OPO must meet our requirements. We believe a two-year period is reasonable to permit OPOs to adjust to the significant changes these regulations will make. Should experience dictate the need for more frequent surveys to safeguard quality of care, we will make that change following appropriate notice.

As stated earlier, we are allowing each hospital to deal with any designated OPO it wishes, so that if a hospital does not believe its area's OPO currently meets our standards, the hospital may deal with another designated OPO. In addition, we reiterate that, if the OPO in the commenter's state does not meet the criteria in the regulations, including UNOS membership, which imposes some additional standards, it will not be designated.

**Comment:** One commenter stated that OPOs should be surveyed yearly, as are other providers.

**Response:** We believe our requirement for recertification every two years is in accord with the Congressional intent. Section 1138(b) of the Act, in delineating criteria that OPOs must meet in order to be designated, does not require yearly certification but only requires recertification within the last two years.

#### *Termination of OPOs (§ 485.307)*

**Comment:** Four commenters believed that an OPO that fails to meet the performance standards should be given time to come into compliance. Two commenters were concerned that once an OPO is suspended, area hospitals will not use that OPO, which will make it impossible for the OPO to comply with our requirements; these commenters were concerned that the area formerly served by a terminated OPO would be without organ procurement services. Two commenters stated that in the event an OPO is suspended from receiving Medicare payment, HCFA should have a means for authorizing an adjacent OPO to

provide service on an interim basis until the suspension is resolved.

**Response:** These regulations specify that for the first two years after designation, OPOs are exempt from meeting the performance standards. However, that does not mean that OPOs should ignore the performance standards and not make an attempt to meet the standards immediately. Therefore, we reserve the right to initiate termination action immediately, if after two years, the OPO has failed to achieve compliance with the performance standards. If the termination process is initiated, an OPO will be given the opportunity to develop a plan of correction to demonstrate reasonable assurance that the certification requirements will be met. Public notice of the proposed termination would not be made until shortly before the actual termination date. Therefore, hospitals would have no reason to seek OPO services elsewhere and further jeopardize an OPO's performance. If a termination occurred, any other OPO, or the terminated OPO (if it could demonstrate that all deficiencies had been corrected and that the deficiencies would not recur) would be permitted to apply and be designated for the service area. A terminated OPO will also have the right to appeal our decision to terminate in accordance with 42 CFR Part 498. If we do terminate an OPO, it would seem likely that some new OPO or nearby existing OPO would propose to fill the gap.

As a hospital may deal with any designated OPO, not just the one in whose service area it is situated, there will be no reason for a hospital to be without an OPO's services should one be suspended.

**Comment:** Two commenters had concerns about the termination process for OPAs that are not designated as the OPOs for their service areas, as there are costs associated with closing down the agency. One of the commenters also thought additional time would be needed for a smooth transition between the incoming OPO and outgoing OPAs.

**Response:** The law does not provide for a transition period but goes into effect for OPOs on April 1, 1988. HCFA has no authority to make payment for organs procured from an OPA that is not designated as an OPO, for organ procurement services by a nondesignated OPO, or for OPO services after the OPO's termination from the program. Costs incurred by any nondesignated OPO after March 31, 1988 are not reimbursed by the program. However, certain administrative costs of



terminated OPOs or OPAs, to the extent that they are reasonable, necessary and proper, may be included in the final cost report. (See section 2176.1 of the Provider Reimbursement Manual (HCFA Pub. 15-1).) Allowable costs actually incurred prior to termination are paid, and the funds may be furnished after the OPO (or OPA that was not designated as an OPO) is out of the program. There is no authority to allow an agency additional time to close down. Medicare program instructions (Provider Reimbursement Manual, section 1502) require the provider to submit a final cost report within 45 days of termination that includes all of the costs incurred up to the effective date of termination in the program.

*Comment:* One commenter stated that if we expand an OPO's service area to include an area for which no OPO has applied, the final regulations should recognize the fact that the OPO will probably have higher costs and should allow compensation for these costs.

*Response:* We will not request any OPO to cover an area that has no designated OPO. The hospitals may deal with any designated OPO.

*Comment:* Four commenters suggested that HCFA continue to pay any OPO for its services during the administrative review process if the OPO is not designated. One of these commenters suggested a certain time limit for appeals. Another thought it would be useful to include a more detailed description of the appeal process in the preamble to the final rule.

*Response:* Under section 1138(b) of the Act, effective April 1, 1988, no payment may be made for organ procurement services furnished by an organ procurement organization unless the organization is approved and designated by the Secretary. There is, therefore, no basis under the law for continuing to make payment for organ procurement services furnished by an organ procurement organization on or after April 1, 1988 if it has not been approved and designated.

Should an OPO be initially designated after April 1, 1988, it will be eligible for payment for services furnished on or after the approval date.

Briefly, the appeals process is this: Any organization that applies and that we determine does not meet the conditions for designation as an OPO or any designated OPO that receives a determination that its services do not meet the conditions of coverage may request a reconsideration from HCFA if the request is filed within 60 days of the determination notice. If the reconsidered termination is not favorable to the organization, it may request a hearing

before an administrative law judge within 60 days of the reconsidered determination. We recently recodified our appeals process regulations into 42 CFR Part 498; we refer any reader who would like a more detailed idea of the appeals process to the June 12, 1987 issue of the *Federal Register* (52 FR 22448).

##### 5. One OPO per Service Area (§ 485.308)

*Comment:* One commenter stated that our proposed rules would make it impossible for her hospital to work with the organization it has chosen. No reasons were given. Another commenter, whose hospital uses the same OPA as the first commenter, desired the rules be changed so that the OPA can continue to provide the hospital with its services. The changes necessary to do this were not stated.

*Response:* Because neither commenter stated the reasons why their OPO cannot be the designated one for the service area, we cannot respond constructively to their comments. However, we intend to designate only those OPOs that meet our criteria.

*Comment:* A number of commenters agreed with our proposed criteria for choosing among multiple applicants in a given service area. They also suggested a number of others: (1) The prior existence and length of relationships (historical relationships) with the organ donor hospitals; (2) the OPO's involvement with the organ donor hospitals (such as the number of in-service presentations to hospital staff and meetings with administrators and directors of nursing); (3) a comparison of potential donors of each OPO as to the number of actual donors in the service area claimed; (4) percentage of signed agreements with hospitals having the facilities for donation compared to the competing OPOs; (5) number of full time coordinators; (6) previous experience; (7) willingness to serve hospitals outside the OPO's area if there is no OPO in the hospitals' service area; (8) the proximity of the OPO to the donor hospitals and transplant centers; (9) time and cost considerations of transporting organs to and from remote centers and facilities; (10) demonstrated willingness and ability of the OPO to place organs in the service area rather than outside it; (11) quality of organs; (12) satisfaction and cooperation of hospitals with the OPOs; (13) whether the OPO would service the entire State; (14) ethical practices; (15) innovative approaches; (16) being awarded a competitive grant by PHS; (17) the number of admissions of hospitals affiliated with an OPO; (18) affiliation with an academic medical center; and (19) as a last deciding factor,

cost per organ (the lowest cost being most preferable).

A commenter believed that recipients of OPO grants should not receive preference, as some organizations may not have applied for grants because they did not need additional funding. If, however, grants are to be taken into account, performance under the grant contracts should be included in the review process. One commenter strongly objected to the criterion of bed size, as bed size is not relevant to quality.

*Response:* On the basis of the comments, we are adding four criteria to our list of secondary criteria: the number of actual donors compared with the number of potential donors, the nature of the relationship and involvement with the organ donor hospital (which includes longevity of the relationship), the OPO's willingness and ability to place organs within its service area, and the proximity of the OPO to the donor hospitals and transplant centers.

We believe that if the organization has a past performance record, it is a vital criterion to use in determining which applicant to designate. We note that considering an organization's performance may not necessarily work in its favor: if, for example, an existing organization and a new one are competing for the same area, the new organization may be chosen over an existing one with poor past performance. The tie-breakers will be used initially to differentiate between existing applicants, and they will be used later to assess the existing OPO's performance compared to that of a competing organization seeking designation.

We believe that comparing the number of actual donors with the number of potential donors will show us the more (or most) effective OPO in the service area.

We also agree with adding the factor concerning the involvement and the nature of relationships with donor hospitals because we believe that the quality of an existing relationship with donor hospitals in its area is a significant factor and because we have no desire to sever, unnecessarily, effective arrangements.

Also, the demonstrated ability to place organs within an OPO's service area is we believe another valuable criterion we should use in discerning which OPO to select among multiple candidates.

Finally, we are accepting the suggestion to add proximity of the OPO to the hospital in view of the likelihood that the OPO that is closer to a hospital would be better able to react more



quickly to the hospital's needs, thus enhancing the more effective retrieval and usage of donor organs.

However, we do not agree that we should add the remainder of the suggested criteria. There is no need to add previous experience, time and cost considerations of transportation, quality of organs and cost per organ because we will consider them as part of our review of an OPO's past performance. We do not agree to substitute or add to the proposed secondary criteria concerning number of full-time coordinators, willingness to serve hospitals outside the OPO's area, whether the OPO would service the entire State, innovative approaches, number of admissions of hospitals affiliated with an OPO, and affiliation with an academic medical center because it is not clear that those criteria would be better indicators of potential quality or effectiveness. For example, sheer numbers of transplant coordinators may not be necessarily relevant. The percentage of signed agreements with facilities compared to competing OPOs and satisfaction and cooperation of hospitals with OPOs may be inferred from our requirement concerning a working relationship with 75 percent of the hospitals in the service area. We do not agree with adding ethical practices because there is no way to measure them.

We disagree that bed size should not be included as a criterion. We believe that, all other things being equal, more consideration should be given to an OPO that has an effective working relationship with hospitals that are expected to have a greater donor pool. This should result in greater efficiency and effectiveness of the program.

PHS grantees will not be shown preference. The statute states that an OPO must be either a PHS grantee or be certified or recertified by the Secretary within the previous two years as meeting PHS standards. There is, therefore, no statutory or other basis for conferring preferential treatment to an applicant that has a PHS grant.

*Comment:* One commenter stated that the IOPA serving his hospital's area was charging fees for organ retrievals, although the IOPA only referred organs and that donor-maintenance fees were simultaneously generated. He stated the fees are against our regulations and the National Organ Transplant Act.

*Response:* We will investigate any alleged illegal fees for organ retrieval, such as those suggested by the commenter.

*Comment:* Two commenters believed that selecting the applicant with the larger area when the applicant with the smaller area has a working relationship

with 75 percent of its hospitals will be disruptive. According to the commenters, often the success of an OPO is closely tied to the mutual understanding, trust and good relationship between a hospital and OPO. One of these commenters suggested that the OPO with the larger service area be given the contract only if it has contracts with at least 75 percent of the hospitals in the smaller service area. Two commenters suggested that each applicant have to be able to prove that it has been responsible for the majority of organ and tissue recovery services in the service area claimed. The commenter also stated that past experience has shown many programs with large service areas are less efficient than smaller areas. Another commenter wanted to know whether "larger" referred to population or geographic area. Another commenter thought that where two or more applicants' service areas overlap still another's service area, we should assign the overlap area to allow the hospital to be served by the closest OPO.

*Response:* We agree with the commenters that the larger (in terms of population, not geographic area) OPO service area is not necessarily the better, because it may be more effective and efficient to have an OPO serve in a smaller area. Also, having several smaller service areas has the additional benefit of providing potential back up if one or more of the OPOs fail to perform effectively or choose not to remain the designated OPO. Consequently, we have decided not to give additional consideration to an OPO simply because it is larger.

If two service areas overlap, we will consider the proximity of the hospitals to the OPO, as suggested. Of course, we will also consider the nature of relationships and involvement with hospitals in the overlap area.

We may in some cases reduce the requested service area of an OPO. We will do this in order to be able to designate an OPO that has requested part of another OPO's service area and needs the part in question to have an entire MSA or PMSA. We will not reduce an area by splitting an MSA or PMSA however.

*Comment:* Ten commenters, including two commenters on behalf of OPAs, stated that they believe hospitals should have a choice of OPOs. One of these commenters did not believe that we should limit the number of OPOs per State to one; another commenter thought we should limit the number of OPOs to one per State. Two commenters believed the law allows a hospital to deal with an OPO outside its area.

*Response:* We are not requiring hospitals to have a working relationship with the OPO in its service area or to have an exclusive working relationship with any OPO. The statutory requirement is that there be one OPO per service area, not that all hospitals in the area deal with that OPO. Hospitals are free to deal with any designated OPO they wish.

We are not requiring that one OPO handle an entire State, although this could happen if the designated OPO describes its service area as an entire State or States. What we are requiring is one OPO per service area.

#### *C. Revisions to Subpart U of Part 405, Conditions for Coverage of Suppliers of ESRD Services*

We proposed to delete the definition of OPA from § 405.2102. In subpart U of 42 CFR Part 405, we proposed to change all references to "OPA" to "OPO" for consistency. In addition, we proposed to make minor technical revisions to §§ 405.2163(f) and 405.2171(a) (standards for participation in patient registries for renal dialysis facilities or renal dialysis centers and for renal transplant centers), to show that the registry must be with an OPO certified and recertified in accordance with new § 485.305. A revision to § 405.2171(e) to change "OPA" to "OPO" and to require that the OPO be certified and recertified in accordance with § 485.305 was also proposed.

*Comment:* One commenter noted the number of patient registries across the nation and stated that any new registry efforts must be practical, consider historical data available, and avoid duplication and dilution of efforts. The commenter also suggested that registries be linked nationally. The registry should track events from donor referral to organ placement; transplant recipient registries should follow patients from transplant to graft failure or death. All five registries (for the various organs) should be linked with a unique patient identifier, and access between organ and transplant recipients must be guaranteed.

*Response:* Section 373 of the PHS Act requires the Secretary, by grant or contract, to develop and maintain a scientific registry of the recipients of organ transplants. Under its Network contract, UNOS is responsible for accomplishing this task. UNOS recognizes the existence of existing transplant registries and is striving to minimize duplication of data collection efforts. The Network registry will track events from donor referral to organ placement and patients will be followed



from transplant to graft failure or death. The data collection for the various organs will be linked by unique patient identifiers, thereby assuring access to the data for organ and transplant recipients.

*D. Revisions to Subpart H of Part 413, Payment for ESRD Services*

Under § 413.178, Reimbursement of independent organ procurement agencies and histocompatibility laboratories, we proposed to reflect the need for the OPO to be certified or recertified in accordance with new § 485.307 in order to be reimbursed. We proposed to change all references to "OPA" to "OPO" for consistency; we also would not be reimbursing any costs incurred by any OPA that has not been designated as the OPO for its area. We received no written comments; however, in the course of our normal oversight of program matters, we were informed that some technical clarifications might be helpful and that certain paragraphs of this section are out of date. See discussion under Technical Corrections elsewhere in this preamble.

*E. Revisions to Subpart A of Part 441, Services Requirements and Limits Applicable to Specific Services*

We proposed to revise our rules at 42 CFR 441.13, Prohibitions on FFP: Institutionalized individuals, to prohibit Federal cost sharing for Medicaid services furnished after September 30, 1987 by OPOs that do not meet the requirements of the new 42 CFR Part 485, Subpart D. (The effective date has, as stated earlier, been changed to April 1, 1988.) We proposed to revise the title so that it no longer is limited only to institutionalized individuals. Under the revisions, we proposed for each State to be able to continue to provide transplants as it does now; we simply would not contribute any FFP for organ procurement costs incurred by or on behalf of an organization the Secretary has not designated as the OPO for its service area. We received no comments on this section.

*F. Revisions to Subpart A of 42 CFR Part 498, Appeals Procedures for Determinations That Affect Participation in the Medicare Program*

We proposed to add an OPO's appeal rights to 42 CFR Part 498 to assure that a decision not to designate an OPO, to suspend or cease payment (i.e., determine that the OPO does not meet the conditions for coverage), or to terminate the agreement with the Secretary is subject to administrative review. Comments on this subject were

discussed under the heading "Termination of OPOs."

*G. Implementation Issues*

Because section 1138 of the Act, as enacted by section 9318 of Pub. L. 99-509, had an effective date of October 1, 1987, we suggested in the preamble to the proposed rule that applicants begin preparing material to meet the proposed criteria. (As noted earlier, this date for section 1138(a) was extended to November 21, 1987 by Pub. L. 100-119, and for section 1138(b) was extended to April 1, 1988 by Pub. L. 100-203). We encouraged all interested organizations to write as soon as possible requesting a formal application. Under express provisions in section 1138(b)(1)(F) of the Act, payment may be made only for organ procurement costs of services received from designated OPOs. We noted that submission of the application must be based on the conditions for approval established in final regulations but urged interested organizations to develop documentation that would satisfy the conditions as they were proposed. We informed interested parties that our intention was for an applicant to forward the completed application to the HCFA regional office that services its area. We anticipated that our regional offices would review the application under the final criteria to determine whether the OPO meets our criteria for approval (as required by §§ 485.304 and 485.305) and quickly made a specific designation. Our intention was that the State survey agency would survey the OPO later for adherence to our requirements.

• *Reimbursement*

*Comment:* One commenter had several reimbursement related questions:

- If Medicare-Medicaid payment is not involved, must a hospital use the services of a designated OPO?
- If a hospital may use the services of a nondesignated OPO when Medicare-Medicaid payment is not involved, how does the hospital with a donor know whether Medicare or Medicaid will pay? Is the reimbursement available when the donor is a Medicare-Medicaid patient, or when the recipient is a Medicare-Medicaid patient, or in another way? Is reimbursement for procurement costs under Medicare-Medicaid always made to the OPO that then must pay the donating hospital for any costs it bears? Is reimbursement ever made directly to the donating hospital? Should the donating hospital maintain any particular fiscal records?

—Where Medicare or Medicaid payment is not involved, are there any requirements governing the use of OPOs, whether members of UNOS or not, and whether procuring organs or tissues or bones? It was the commenter's understanding that membership in UNOS is encouraged but not required unless the OPO is designated or unless the hospital is a transplant center.

—If Medicare-Medicaid payment is involved and the potential donor is a tissue or bone donor and not an organ donor, must the hospital contact the designated OPO or may other recognized tissue/bone centers be utilized?

*Response:* The Medicare program and the Federal financial participation of the Medicaid program will only make payments for organs procured by the designated OPO, or procured by the transplant center for use in its own facility. Currently, there is no prohibition on a hospital obtaining organs from a nondesignated OPO for its non-Medicare and non-Medicaid transplants. As long as the organ comes from a designated OPO or "in-house", the determination as to whether Medicare or Medicaid will pay for the acquisition depends upon the recipient and not the donor. In order for Medicare or Medicaid payment to be made, the organ must be transplanted into a Medicare or Medicaid beneficiary regardless of whether the donor was a Medicare or Medicaid beneficiary.

Generally, OPOs receive payment from the transplant center that uses the organ. Transplant centers submit a claim to the intermediary and are reimbursed from Medicare for the kidneys and, where applicable, heart transplants. Under both circumstances, Medicare will make a final settlement with the transplant centers since the interim payments will only approximate costs. Medicaid reimbursement procedures vary from State to State.

There is no prohibition against a transplant center acquiring organs from a nondesignated OPO for use in a patient from whom Medicare or Medicaid payment will not be sought. Furthermore, there is no requirement for nondesignated OPOs to belong to UNOS, but hospitals or transplant center that acquire organs from nondesignated OPOs will not be reimbursed by Medicare or Medicaid for the acquisition costs.

These rules do not apply to tissue or bone donors.

*Comment:* One commenter, certain that her OPA will not be designated as an OPO, wanted to know if the OPA can



still send its kidneys to a named hospital and be reimbursed by the hospital, with Medicare paying the hospital.

**Response:** Costs incurred by a hospital for the procurement of organs from a nondesignated OPO are not reimbursable to the hospital by the Medicare program. Similarly, HCFA will not allow FFP to a Medicaid State agency for organs obtained from a nondesignated OPO.

**Comment:** One commenter recommended that hospital-based OPOs use the same cost report as independent OPOs and report to a single intermediary.

**Response:** A hospital-based OPO is an integral part of a hospital; therefore, the costs of the OPO are reported on the hospital's annual cost report. Since the OPO is considered to be a cost center of the hospital, it cannot use the independent OPO cost report. It is also impractical from an administrative point of view to have the entire hospital, except for the OPO report to one intermediary, and the OPO, one cost center of the hospital, report to another intermediary.

#### *Delay in Implementation*

**Comment:** One commenter asked for a delay in designation of an OPO for his State until the completion of the State's certification process for organ procurement (in three to six months). His State wishes to restrict itself to a single, independently organized, statewide organ retrieval agency.

**Response:** We cannot accede to the commenter's request. There is no Federal requirement for an OPO to serve a Statewide service area, nor do we plan to amend the regulations to provide for such a requirement. Also, we cannot intentionally delay the designation process while awaiting the legislative or administrative activity of a State regarding organ procurement. To do so would mean that there would be no basis for paying the organ procurement costs in such a State, on behalf of Medicare and Medicaid recipients, until a designation is made.

**Comment:** One commenter wanted to know, because of the short period between the end of the comment period and the effective date, what the result is for an applicant that would not be selected under the proposed rule but would be under the final rule. He also wanted to know how long an OPO will have to become fully operational after it is designated and what reimbursement implications there are for heart transplant hospitals that transplant organs between the statutory effective

date and the effective date of an OPO's designation.

**Response:** In the proposed rule, we urged all potential OPOs to start their applications, even though they may not be able to meet all the criteria as they were proposed. We did not want to disadvantage any potential applicant and we recognized that an applicant might meet the final criteria (especially if we changed them to be less stringent, which in fact is the case). Any OPO that meets all the statutory requirements could, of course, be certified on that basis even in the absence of final regulations, and many were so certified. If an OPO chose not to attempt to fill out an application because it would not meet the proposed criteria, it can, nonetheless, file an application based on the final criteria.

An OPO is expected to be fully operational immediately, but we do not plan to perform an on-site survey of the OPOs to verify compliance with our performance standards until later, as the OPO is exempt from meeting the performance standards for two years after designation.

With respect to the comment on reimbursement implications, under current law, any transplant center obtaining an organ from a nondesignated OPO after March 31, 1988 will not be reimbursed for that organ by Medicare or with Federal funds by Medicaid.

#### *Designation*

**Comment:** One commenter suggested that HCFA Central Office, rather than our regional office, review the applications and designate OPOs to avoid having two OPOs designated where service areas overlap State boundaries and to avoid regional preferences.

**Response:** We agree in part with this comment. Our regional offices are aware of the possibility of overlap of State and regional boundaries, and we are coordinating the designation process particularly in this regard. All initial Medicare provider certification is now handled by the regional offices, and we believe they have the expertise to handle this additional task. They have been certifying providers for over twenty years and, in that time, we have not been made aware of any bias. However, in view of the potential for overlap of service areas both within the boundaries of a HCFA region and across such boundaries, the central office has coordinated the designation process closely and conferred with every region on a regular basis. OPOs have been, and will be, designated only with the knowledge of the HCFA central office.

**Comment:** Three commenters suggested the use of outside experts (UNOS and the AIOPA) to help HCFA decide among multiple applicants in a service area that meet our criteria.

**Response:** We disagree with this comment. While we intend to rely heavily on the advice of experts in organ procurement, we believe we can decide among multiple applicants in a fair manner. In addition, nothing in our statutory authority permits use of private organizations to designate, certify, or to help designate or certify OPOs. Section 1865 of the Act permits the Secretary to accord deemed status to entities found by national accrediting organizations to meet the standards of specified provisions of the Medicare statute. The OPO provisions found in title XI of the Act are not listed in section 1865 of the Act.

**Comment:** One commenter believed that the designation/certification processes should be consolidated within one agency to help alleviate paperwork and to prevent duplicative reviews. Two commenters believed we should use the AIOPA for reviewing OPOs, as the AIOPA is experienced in reviewing its members; State surveys would duplicate the AIOPA's work. One commenter believed that membership in the Network should satisfy the conditions of participation and four commenters believed that UNOS should do the certification review.

**Response:** We disagree. As stated in response to the previous comment, we do not have the authority to permit another entity to certify or designate OPOs. To deem membership in the Network as satisfying the conditions of participation would be tantamount to allowing the Network to certify OPOs, and we cannot agree to do that.

**Comment:** Two commenters stated their belief that where an OPO operates in more than one State, it should be reviewed only by the State survey agency in the State in which the OPO's main office is located and have that review apply to the other States in which the OPO operates.

**Response:** We concur and this position will be included in our operating manuals.

#### *Miscellaneous Comments*

**Comment:** One commenter wanted to know whether the majority of prospective OPSs have the capability for multiple organ referral or whether the purpose of that rule is to support the organization with the best phone referral capability. He also wanted to know why we believe it is necessary to discuss organs other than kidneys, since we do not usually pay for them, or for



their distribution or transplantation. He thought that approval of OPOs extends beyond HCFA's financing considerations and should probably involve some other government agency, such as the Office of Organ Transplantation of the Public Health Service.

*Response:* We believe that the majority of OPOs will have the capability of multiple organ referral because AIOPA, a professional association involved with organ procurement, has a multiple organ performance standard that applies to its members, and most organizations that seek designation as OPOs are members of the AIOPA. However, as stated earlier, we will not require OPOs to retrieve any extra-renal organs, as we rarely pay for them.

While HCFA works cooperatively with many other government agencies, including the Office of Organ Transplantation of the PHS, we do not agree that some other government agency should be responsible for the approval of OPOs, even if we were to require retrieval of extra-renal organs. These regulations are intended to assure the quality of care; our considerations are not solely financial. We believe it is also more practical to keep the payment and approval process within the same agency so that they may be integrated.

*Comment:* One commenter stated that OPOs should be surveyed by only one agency (PHS or HCFA) and that PHS should make its service area information on PHS grantees available to HCFA, instead of our requiring the grantees that apply to be OPOs to resubmit it.

*Response:* The PHS program is a separate grant program and an organization approved for a grant under the PHS Act will not be eligible for Medicare payment unless it is also specifically designated by HCFA. OPOs that are not designated by HCFA are not precluded from seeking a grant from PHS and vice versa. Thus, it is appropriate for PHS to survey its grantee OPOs whether or not they are also designated by HCFA. We note that PHS' service area information has been made available to HCFA; however, it will not necessarily be germane since OPOs will describe their own service areas in their applications for designation by HCFA, and we have found that, in some cases, these do not match the service areas the OPOs described in their applications to PHS for a grant.

*Comment:* One commenter stated that the proposed rule did not require OPOs to cooperate with or be members of the ESRD Network (defined in § 405.2102) responsible for their geographic area.

The commenter believed such relationships should be in the regulations to improve access to transplantation and coordination of the care of patients.

*Response:* The ESRD networks are responsible for monitoring appropriateness of ESRD care and conducting ESRD quality review activities, while the OPO regulations cover the procurement and distribution of all organs, including kidneys, approved for Medicare payment. Because of their different functions, we specifically excluded any regulatory requirement for cooperation between the ESRD network and OPO Network. They may, however, coordinate with each other as necessary.

*Comment:* One commenter urged that our rules make it clear that the donor hospital does not have a priority claim on any organ or tissue it procures in-house, that it is the OPO's responsibility to establish and maintain appropriate distribution policies. Another commenter believed our discussion of in-house transplantations to be ambiguous; if read literally, any procurement body acting solely within its transplant center would be reimbursed, regardless of the regulations calling for OPO certification. Such a policy, he claimed, encourages fragmentation in procurement efforts.

*Response:* While it is the OPO's responsibility to establish and maintain appropriate distribution policies and while we require a transplantation center to notify the OPO whenever it has an organ to transplant, we do not believe our rules should prescribe the way donations are to be handled. To the extent the Network has any rules concerning distribution of organs obtained within a transplant center, the transplant center must abide by them. Otherwise, a transplant center may do whatever it wishes with organs obtained in-house. An OPO may establish a policy on how to handle the situation in which someone outside the center might achieve a better result with the organ and the transplant center refuses to relinquish it, but the release of the organ is up to the hospital. We believe that few transplant centers will consistently claim organs only for themselves in order to avoid the result of having a low priority of getting the organs it needs from the OPO. Although the commenter believes that HCFA may be fragmenting the OPO procurement efforts, in reality our effort is to increase availability of high quality organ transplants, and we are attempting to simplify the procurement process by continuing to allow transplant centers to retrieve kidneys in their own facilities. As the

law requires, transplant centers must inform the OPO of all potential donors as well as all organs actually procured. This process should help the OPO retain control of information about the procurement process. We do not agree that making payment to the transplant center for legitimate costs it incurs is tantamount to circumventing a strong OPO role in the procurement process.

*Comment:* One commenter urged that further consideration be given to the cost comparisons and conclusions drawn regarding services furnished by HOPAs as compared to IOPAs. There are costs to HOPAs we did not mention. In addition, the cost to the program may not be minimal if many small but efficient OPAs are eliminated.

*Responses:* In the event that there is more than one applicant in an area, we will review a number of factors (discussed above) that will assist in designating the OPO for the area. We understand that the costs of hospital OPOs are different from independent OPOs for a number of very legitimate reasons. Pretransplant costs for waiting list candidates are an example of costs that would need to be removed from the hospital's cost in order to make the cost data comparable. It should be noted that the proposed rule clearly explains that these factors are secondary to the primary selection criteria (see 52 FR 22444).

*Comment:* Six commenters believed that it is essential that OPOs not handle tissue procurement as they are not set up for the volume in terms of staff and experience; tissue procurement agencies should continue to procure tissues. The commenters offered three alternatives to our requirements. Another commenter stated that arrangements with tissue banks should be more definitive, because by not specifying various types of tissue banks, the OPO could mislead HCFA into believing that all forms of tissue are being accounted for by supplying a letter from only one type of tissue bank.

*Response:* We agree that OPAs generally are not currently set up for tissue procurement and, thus, once designated as an OPO should not be required to procure tissue. The statute defines "organs" as kidneys, hearts, livers, lungs, pancreases and "other organs and tissues as the Secretary prescribes". We are not at this time prescribing any other organs or any tissues. Any designated OPO that already procures tissues will be allowed to continue to do so, and any OPO that wishes to add tissue procurement to its functions may do so, but its tissue procurement activities would not be



subject to the requirements of the final rule.

### III. Summary of Revisions to the Proposed Regulations

Except as noted below, we are adopting as final the regulations as proposed.

#### A. Changes in Response to Comments

- We are revising the term "harvest", in all forms, to "retrieve." In the definition of "Organ procurement organization" (§ 485.302), we are revising "harvested organs" to "available organs."

- We are specifying in § 485.304(a) that an OPO must be a nonprofit entity that is tax exempt.

- We are clarifying the provision in § 485.304(d) to indicate that these regulations refer only to solid or vascular organs and to donors of same.

- We are revising § 485.304(d)(1) to show that when describing an entire State as its service area (or as part of its service area), an OPO need not list the counties in the State.

- We are revising § 485.304(f)(1) to clarify who must be members of the OPO's advisory board.

- We are revising § 485.304(g) to show that an OPO must have a working relationship with 75 percent of the hospitals in its service area "that have an operating room and the equipment and personnel to retrieve organs." We made a parallel change in § 405.304(d).

- We are adding a paragraph (o) to § 485.304 to ensure the confidentiality of patient records and a paragraph (p) to require that OPOs must conduct and participate in professional education concerning organ procurement.

- We are revising the title of § 485.305 from "Condition: Network participation" to "Condition: Organ procurement organization network participation."

- We are adding a new performance standard to § 485.306 to require OPOs to have a working relationship with any hospital or transplant center in its service area that requests it.

- We are not establishing the proposed performance standard that each designated OPO provide multiple organs for transplantation from a minimum of 20 percent of donors.

- We are revising § 485.308 to include additional tie-breaking criteria for situations in which there are two or more applicants for the same service area.

#### B. Technical Changes

- We are revising the definition of "organ" in § 482.12(c)(5)(iii) and § 485.302 so that it no longer includes as yet unnamed organs.

- We are clarifying § 485.303(c) to show that an OPO will be initially certified at the same time it is initially designated and that it must be subsequently recertified at least every two years. This change was necessary because as proposed, the regulations could be interpreted to imply that the OPO is not certified until after the first two years of operation as the designated OPO.

- In § 485.304(b), in the phrase "including procedures to obtain payment for non-renal organs," we are inserting "kidneys and" before "non-renal organs," as the phrase may otherwise imply that the accounting and other fiscal procedures need not include procedures concerning kidneys.

- In § 485.304(c), we are revising the provision that the OPO must have an agreement with the Secretary to be reimbursed under Medicare for the procurement of kidneys. We are revising "kidneys" to "covered organs", as the agreement applies to any type of organ covered.

- We are replacing the word "agency" of "organ procurement agency" with "organization" in § 405.2133 for consistency.

#### IV. Technical Corrections

- In the NPRM we proposed a number of technical conforming changes to § 413.178, which currently discusses organ procurement activities in the context of the ESRD program. We did not revise in any way the definition of "Histocompatibility laboratory" in § 413.178(b)(2), which is "a laboratory meeting the standards and providing the services set forth in § 405.2171(d) of this chapter." The NPRM contained a typographical error in the cross-reference, incorrectly citing § 406.2171(d). More importantly, we learned that the cross-reference to ESRD program regulations may be misinterpreted by some to imply that this definition would exclude histocompatibility laboratories that perform services for other organs; e.g., hearts, livers, etc. To remove any ambiguity we are revising the definition to apply to "a laboratory meeting the standards and providing for kidneys or other organs the services set forth in § 405.2171(d) of this chapter."

- We are designating all "independent" OPOs and histocompatibility laboratories as "freestanding" in § 413.178 in order to avoid confusion with independent laboratories. We also note that § 413.178(c)(2) is outdated. This provision was necessary to require organizations reimbursed in 1978 to file an agreement with HCFA by January 23,

1979 if they wished to continue reimbursement. We are deleting the paragraph and renumbering the subsequent entry. We are also removing the date, September 30, 1978, in the new paragraph (c)(2) because it is obsolete.

- We are also changing the cross-reference in § 405.2133 from 20 CFR Parts 401 and 422 (Subpart E) to 42 CFR Part 401; title 20 of the CFR contains Social Security Administration regulations and Parts 401 and Part 422 of title 20 no longer regulate Medicare.

#### V. Implementation

Under section 1138(b) of the Act, effective April 1, 1988, Medicare payment and Medicaid FFP payment for organ procurement costs may be made only if the organization has been designated by the Secretary as the OPO for its service area. Consequently, all organizations, including currently Medicare-approved OPAs and PHS grantees, seeking payment as organ procurement organizations must apply to be designated, and be designated by the Secretary as the designated OPO for its service area in order for costs attributable to organ procurements from the OPO to be reimbursable after March 31, 1988. Under the provisions of the statute, as we noted above, we designated twenty OPOs as of December 3, 1987.

IOPAs not designated as of April 1, 1988 are expected to submit a final Medicare cost report in accordance with § 413.24(f)(2)(iii). A HOPA not designated will receive payment for organs procured within the hospital and used in in-house transplants; like all other hospitals that furnish organs to an OPO, it will receive payment for organs furnished to a designated OPO when the hospital cannot use it in-house. Costs for those activities are to be reported as part of the hospital cost report.

Once again, we emphasize that these regulations do not apply to services concerning procurement of tissue, whether obtained from a designated or nondesignated OPO or from a tissue bank.

#### VI. Regulatory Impact Statement And Regulatory Flexibility Analysis

##### A. Executive Order 12291

Executive Order (E.O.) 12291 requires us to prepare and publish a final regulatory impact analysis for any final regulation that meets one of the E.O. criteria for a "major rule"; that is, that would be likely to result in: an annual effect on the economy of \$100 million or more; a major increase in costs or prices for consumers, individual industries,



Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

As a result of section 1138(a)(1)(B) of the Act, a transplant hospital must meet Network requirements to participate in Medicare or Medicaid. Some hospitals may have to choose whether to discontinue transplant programs that do not meet UNOS' requirements or else discontinue Medicare and Medicaid participation. We assume that hospitals dependent upon Medicare and Medicaid generally would choose to discontinue transplant programs. We have received information that at least one hospital already has discontinued its transplant program because of this requirement. We believe that this represents a significant barrier to market entry. Because of this significant barrier, it could be argued that this regulation has a significant adverse effect on competition, and hence that it is a major rule. However, the barrier is a result of the statute, not a requirement of this regulation. These requirements are effective on the effective date of the statute, regardless of this regulation. Since these effects are not a result of this rule, we have determined that the rule in itself does not meet the criteria of E.O. 12231 and is not a major rule.

#### *B. Regulatory Flexibility Act*

We generally prepare a final regulatory flexibility analysis that is consistent with the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 through 612), unless the Secretary certifies that a final regulation will not have a significant economic impact on a substantial number of small entities. For purposes of the RFA, we treat all existing OPAs as small entities.

We believe the final requirements regarding organ procurement protocols will have slight impact on hospitals. Effectively all transplant centers are accredited by the JCAHO, which already requires hospitals to participate in the Network. The final written organ procurement protocols may result in some administrative changes for hospitals, but we expect little effect on costs. We also expect that this requirement will result in increased efforts to secure organ donors. Those hospitals that do not have protocols will begin to establish them; others will step up their efforts. We do not expect it to be a major burden to small or rural hospitals. We expect their protocols to

take into consideration their resources or support from an OPO and the Network.

As we noted in the proposed rule published July 31, 1987, we expect a substantial economic effect on all existing HOPAs and IOPAs as a result of these regulations. We expect these regulations, in combination with other regulations on the subject of organ procurement, to bring about substantial change in terms of economics, behavior, and improvements in health care delivery in the industry. Therefore, we prepared and published an initial regulatory flexibility analysis. The following discussion, in combination with the rest of the preamble of this final rule, responds to comments received on that initial analysis, and constitutes a final regulatory flexibility analysis.

*Comment:* One commenter observed that quality assurance was omitted from the proposed rules and urged our establishing quality assurance criteria and monitors.

*Response:* Although we did not specifically mention quality assurance, we will in fact initiate quality assurance activities as a result of this regulation. For example, we will institute surveying for the first time in OPOs. We expect this to have a favorable impact on quality. We also expect this to produce a favorable impact upon the quality of the organ transplantation and procurement process.

*Comment:* Another commenter urged that further consideration be given to the cost comparisons and considerations drawn in the proposed rule regarding services furnished by HOPAs versus IOPAs. The commenter said that there are costs to the HOPAs that are not applicable to IOPAs. In addition, the commenter argued that if small, efficient programs are eliminated, organ procurement costs may increase while the number of organs and tissues retrieved for transplantation may decrease.

*Response:* We note that available data are inadequate to demonstrate with certainty that the long term costs of implementing these rules will be minimal. Some programs, even efficient programs, may be eliminated as a result of this rule. However, we do not anticipate that costs will increase, nor do we expect the number of organs and tissues available for transplantation to decrease. As we noted in the proposed rule, the smallest OPAs generally are hospital-based, and HOPAs will have a relative disadvantage under these rules. However, we wish to point out that the Task Force Report on Organ Transplantation states that "according

to data obtained in 1982 in a survey of IOPA and HOPA activity, the IOPAs were significantly more effective than HOPAs in terms of cadaveric organ procurement and transplantation in the population served. In addition, a greater proportion of the kidneys obtained by the IOPAs were transplanted \* \* \*". The Task Force concluded that the organizational structure of the IOPA was conducive to better effectiveness in organ procurement and utilization.

*Comment:* Some commenters pointed out problems with the statutory designation requirement of one OPO per service area.

*Response:* The impact of this legal requirement will reduce the number of OPOs; there inevitably will be some unfortunate consequences for OPAs that met prior requirements. As we noted in the proposed rule, some may go out of business; some may become subsidiaries of another organization. In recommending no more than one OPO in any standard metropolitan statistical area or existing organ donor referral area, whichever is larger, the Task Force concluded "that competition among OPAs within the same population area is damaging to the organ procurement process." In addition, "confidence in the system is undermined when the approach to hospitals and medical personnel is inconsistent and when it appears that the various OPAs and transplant centers are competing for organs."

Under rules in effect prior to the new legislation, 60 IOPAs and approximately 60 HOPAs met our requirements. (We have exact data on the numbers of IOPAs because they are separately certified. Since the HOPAs are not separately certified, we have approximated the numbers.) OPAs have wide variations in size and management that affect their ability to respond effectively to meet the criteria in this final regulation for OPOs. Presently, we expect that some OPAs will meet the requirements of the criteria of this final regulation and some will not. Because OPAs report information only about kidneys to us, and need not meet the population base and procurement minimums of this regulation, available data is not useful in determining how many OPAs may meet all of these criteria for OPOs. However, we believe that with preparation most IOPAs could meet nearly all requirements.

The statutory requirement of designation of one OPO per defined area will have a substantial impact upon OPAs by necessitating a substantial reduction in the numbers of recognized organ procurement entities. Our best



information indicates that as of November, 1987, 31 states have more than one OPA in a given area. (There may be more or fewer as OPAs enter and leave the system.) In response to this requirement, some existing OPAs have merged or consolidated.

We expect that many of the HOPAs have been placed at a relative disadvantage in competing for OPO designation because we believe many have procured organs solely or primarily for the transplant operations of the parent hospital. We realize that HOPAs have shared organs with other facilities. However, the criteria of these final rules presume a wider range of associations and arrangements than we believe is common for HOPAs.

The operations of newly designated OPOs will differ from OPAs in several ways:

- OPOs would have to meet performance standards of this rule within two years;
  - OPOs would have to work with the Network, which is developing its own standards; and
  - With improved technology and the trend for insurers to expand coverage of transplants, we expect that procurement of nonrenal organs will comprise a growing portion of OPO activity.
  - Further, we are separately pursuing a different regulation that would exclude from Medicare payments made to organ procurement agencies the costs associated with kidneys sent to foreign countries or transplanted in non-Medicare recipients. Thus, designated OPOs may need greater capabilities to identify separately the costs attributable to different types of organs and the costs of furnishing organs to recipients covered under different programs.
- All IOPAs are nonprofit organizations. This may not be true of HOPAs, since one or more may be part of a for-profit hospital. In such a case, the entity could potentially meet the final OPO criteria if it were reorganized as a not-for-profit subsidiary.

State Medicaid agencies would be affected by this final rule because FFP would not be available for the costs of Medicaid-covered organ procurement unless the procurement were through an OPO or an "in-house" procurement by a transplant center. Thus, States would have to establish mechanisms to ensure that Medicaid transplants used the services only of designated OPOs or were in-house. As of April, 1986, 22 States did not have any HOPAs; as of June, 1987, 21 States did not have any IOPAs. Although we cannot match data

for a single period, there are apparently 12 States with no OPAs.

Medicare and Medicaid beneficiaries are affected by this regulation because most of the kidneys to be procured through the Network by the OPOs will be transplanted into these individuals. Because of the expected improved efficiencies and publicity, we expect more organ donors to be identified, more organs procured and shared, and consequently more transplants, with a resulting beneficial effect on beneficiaries.

The net costs of implementing these criteria are estimated to be minimal. Although these final criteria may increase costs in the beginning for some entities, at the same time we expect a greater effort to control costs to meet the criteria. Our objective is to improve access to and the quality of health care, and we expect these gains to more than offset any costs or potential adverse consequences for affected entities.

#### VII. Waiver of Proposed Rulemaking

It has been our established practice to publish general notice of proposed rulemaking in the *Federal Register*, and afford prior public comment on proposed rules. However, this practice does not apply when we find good cause that such a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest.

The changes to the definition of "histocompatibility laboratory" in § 405.2102 were not subject to the notice-and-comment procedure, but we find that this procedure is unnecessary. This change is technical and merely states explicitly what is already implied, that the definition of histocompatibility laboratory is not limited to a laboratory that does histocompatibility tests only on kidneys. The other technical changes that are not related to the proposed rule are merely conforming changes: the deletion of an obsolete paragraph in § 405.2102 and the correction of a cross-reference in § 405.2133.

#### VIII. Paperwork Reduction Act

Sections 482.12, 485.303, and 485.304 of this final rule contain information collection requirements that are subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1980. A notice will be published in the *Federal Register* when approval is obtained.

#### List of Subjects

##### 42 CFR Part 405

Administrative practice and

procedure, Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Nursing homes, Reporting and recordkeeping requirements, Rural areas, X-rays.

##### 42 CFR Part 413

Health facilities, Kidney diseases, Medicare, Reporting and recordkeeping requirements.

##### 42 CFR Part 441

Family planning, Grant programs—health, Infants and children, Medicaid, Penalties, Prescription drugs, Reporting and recordkeeping requirements.

##### 42 CFR Part 482

Administrative practice and procedure, Certification of compliance, Contracts (Agreements), Health care, Health facilities, Health professions, Hospitals, Laboratories, Medicare, Onsite surveys, Outpatient providers, Reporting requirements, Rural areas, X-rays.

##### 42 CFR Part 485

Health facilities, Medicare, Reporting and recordkeeping requirements.

##### 42 CFR Part 498

Administrative practice and procedure, Appeals, Medicare, Practitioners, providers and suppliers.

Title 42 Chapter IV of the Code of Federal Regulations is amended as follows:

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

1. 42 CFR Part 405, Subpart U is amended as set forth below:

a. The authority citation for Subpart U continues to read as follows:

Authority: Secs. 1102, 1861, 1862(a), 1871, 1874, and 1881 of the Social Security Act (42 U.S.C. 1302, 1395x, 1395y(a), 1395hh, 1395kk, and 1395rr), unless otherwise noted.

b. Section 405.2102 is amended by revising the definition of "Organ procurement" and by removing the definition of "Organ procurement agency" to read as follows:

##### § 405.2102 Definitions.

\* \* \* \* \*

*Organ procurement.* The process of acquiring donor kidneys. (See definition of *Organ procurement organization* in § 485.302 of this chapter.)



c. Section 405.2133 is revised to read as follows:

**§ 405.2133 Condition: Furnishing data and information for ESRD program administration.**

The ESRD facility, laboratory performing histocompatibility testing, and organ procurement organization furnishes data and information in the manner and at the intervals specified by the Secretary, pertaining to its ESRD patient care activities and costs, for inclusion in a national ESRD medical information system and in compilations relevant to program administration, including claims processing and reimbursement. Such information is treated as confidential when it pertains to individual patients and is not disclosed except as authorized by Department regulations on confidentiality and disclosure (see 45 CFR Parts 5, 5b, and Part 401 of this Chapter).

d. Section 405.2163(f) is revised to read as follows:

**§ 405.2163 Condition: Minimal service requirements for a renal dialysis facility or renal dialysis center.**

(f) *Standard: Participation in recipient registry.* The dialysis facility or center participates in a patient registry program with an OPO certified or recertified under Part 485, Subpart D of this chapter for patients who are awaiting cadaveric donor transplantation.

e. In § 405.2171, paragraphs (a) and (e) are revised to read as follows:

**§ 405.2171 Condition: Minimal service requirements for a renal transplant center.**

(a) *Standard: participation in recipient registry.* The Renal Transplantation Center participates in a patient registry program with an OPO certified or recertified under Part 485, Subpart D of this chapter for patients who are awaiting cadaveric donor transplantation.

(e) *Standard: Organ procurement.* A renal transplant center utilizing the services of an organ procurement organization certified or recertified under Part 485, Subpart D of this chapter to obtain donor organs has a written agreement covering these services. The renal transplant center agrees to notify the Secretary in writing within 30 days of the termination of such arrangements.

**PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES**

2. 42 CFR Part 413, Subpart F is amended as set forth below:

a. The authority citation for Part 413 continues to read as follows:

**Authority:** Secs. 1102, 1122, 1814(b), 1815, 1833(a) 1861(v), 1871, 1881, and 1886 of the Social Security Act as amended (42 U.S.C. 1302, 1320a-1, 1395f(b), 1395g, 1395l(a), 1395x(v), 1395hh, 1395rr, and 1395ww).

b. Section 413.178 is revised to read as follows:

**§ 413.178 Reimbursement of independent organ procurement organizations and histocompatibility laboratories.**

(a) *Principle.* Covered services furnished after September 30, 1978 by organ procurement organizations (OPOs) and histocompatibility laboratories in connection with kidney acquisition and transplantation will be reimbursed under the principles for determining reasonable cost contained in this part. Services furnished by freestanding OPOs and histocompatibility laboratories, that have an agreement with the Secretary in accordance with paragraph (c) of this section, will be reimbursed by making an interim payment to the transplant hospitals using these services and by making a retroactive adjustment, directly with the OPO or laboratory, based upon a cost report filed by the OPO or laboratory. (The reasonable costs of services furnished by hospital based OPOs or laboratories will be reimbursed in accordance with the principles contained in §§ 413.60 and 413.64.)

(b) *Definitions.* For purposes of this section:

"Freestanding"—An OPO or a histocompatibility laboratory is freestanding unless it—

(i) Performs services exclusively for one hospital;

(ii) Is subject to the control of the hospital in regard to the hiring, firing, training and paying of employees; and

(iii) Is considered as a department of the hospital for insurance purposes (including malpractice insurance, general liability insurance, worker's compensation insurance, and employee retirement insurance).

"Histocompatibility laboratory" means a laboratory meeting the standards and providing for kidneys or other organs the services set forth in § 405.2171(d) of this chapter.

"OPO" means an organization that meets the definition in § 485.302 of this chapter.

(c) *Agreements with independent OPOs and laboratories.* (1) Any freestanding OPO or histocompatibility laboratory that wishes to have the cost of its pretransplant services reimbursed under the Medicare program must file an agreement with HCFA under which the OPO or laboratory agrees—

(i) To file a cost report in accordance with § 413.24(f) within three months after the end of each fiscal year;

(ii) To permit HCFA to designate an intermediary to determine the interim reimbursement rate payable to the transplant hospitals for services provided by the OPO or laboratory and to make a determination of reasonable cost based upon the cost report filed by the OPO or laboratory;

(iii) To provide such budget or cost projection information as may be required to establish an initial interim reimbursement rate;

(iv) To pay to HCFA amounts that have been paid by HCFA to transplant hospitals and that are determined to be in excess of the reasonable cost of the services provided by the OPO or laboratory; and

(v) Not to charge any individual for items or services for which that individual is entitled to have payment made under section 1861 of the Act.

(2) The initial cost report due from an OPO or laboratory is for its first fiscal year during any portion of which it had an agreement with the Secretary under paragraphs (c)(1) and (2) of this section. The initial cost report covers only the period covered by the agreement.

(d) *Interim reimbursement.* (1) Hospitals eligible to receive Medicare reimbursement for renal transplantation will be paid for the pretransplantation services of an freestanding OPO or histocompatibility laboratory that has an agreement with the Secretary under paragraph (c) of this section, on the basis of an interim rate established by an intermediary for that OPO or laboratory.

(2) The interim rate will be based on the average cost per service incurred by an OPO laboratory, during its previous fiscal year, associated with procuring a kidney for transplantation. This interim rate may be adjusted if necessary for anticipated cost changes. If there is not adequate cost data to determine the initial interim rate, it will be determined according to the OPO's or laboratory's estimate of its projected costs for the fiscal year.

(3) Payments made on the basis of the interim rate will be reconciled directly



with the OPO or laboratory after the close of its fiscal year, in accordance with paragraph (e) of this section.

(4) Information on the interim rate for all freestanding OPOs and histocompatibility laboratories shall be disseminated to all transplant hospitals and intermediaries.

(e) *Retroactive adjustment.* (1) *Cost reports.* Information provided in cost reports by freestanding OPOs and histocompatibility laboratories must meet the requirements for cost data and cost finding specified in paragraphs (a) through (e) of § 413.24. These cost reports must provide a complete accounting of the cost incurred by the agency or laboratory in providing covered services, the total number of Medicare beneficiaries who received those services, and any other data necessary to enable the intermediary to make a determination of the reasonable cost of covered services provided to Medicare beneficiaries.

(2) *Audit and adjustment.* A cost report submitted by an freestanding OPO or histocompatibility laboratory will be reviewed by the intermediary and a new interim reimbursement rate for the succeeding fiscal year will be established based upon this review. A retroactive adjustment in the amount paid under the interim rate will be made in accordance with § 413.64(f). If the determination of reasonable cost reveals an overpayment or underpayment resulting from the interim reimbursement rate paid to transplant hospitals, a lump sum adjustment will be made directly between the intermediary and the OPO or laboratory.

(f) For services furnished on or after April 1, 1988, no payment may be made for services furnished by an OPO that does not meet the requirements of Part 485, Subpart D of this chapter.

(g) *Appeals.* Any OPO or histocompatibility laboratory that disagrees with an intermediary's cost determination under this section is entitled to an intermediary hearing, in accordance with the procedures contained in §§ 405.1811 through 405.1833, if the amount in controversy is \$1,000 or more.

#### **PART 441—SERVICES: REQUIREMENTS AND LIMITS APPLICABLE TO SPECIFIC SERVICES**

3.42 CFR Part 441, Subpart A is amended as set forth below:

a. The authority citation for Part 441 continues to read as follows:

Authority: Sec. 1102 of the Social Security Act (42 U.S.C. 1302).

b. The title of § 441.13 in the table of contents is revised to read as follows:

Sec.

#### **441.13 Prohibitions on FFP.**

c. In § 441.10, the introductory paragraph is republished and a new paragraph (i) is added to read as follows:

#### **§ 441.10 Basis.**

This subpart is based on the following sections of the Act which state requirements and limits on the services specified or provide Secretarial authority to prescribe regulations relating to services:

(i) Section 1138(b) for organ procurement organization services (§ 441.13(c)).

(d) In § 441.13, the title is revised and a new paragraph (c) is added to read as follows:

#### **§ 441.13 Prohibitions on FFP.**

(c) FFP is not available in expenditures for services furnished by an organ procurement organization on or after April 1, 1988, that does not meet the requirements of Part 485, Subpart D of this chapter.

#### **PART 482—CONDITIONS OF PARTICIPATION FOR HOSPITALS**

4. 42 CFR Part 482 is amended as set forth below:

a. The authority citation for Part 482 is revised to read as follows:

Authority: Secs. 1102, 1138, 1814(a)(6), 1861 (e), (f), (k), (r), (v)(1)(G), (z), and (ee), 1864, 1871, 1883, 1886, 1902(a)(30), and 1905(a) of the Social Security Act (42 U.S.C. 1302, 1338, 1395f(a)(6), 1395x (e), (f), (k), (r), (v)(1)(G), (z), and (ee), 1395aa, 1395hh, 1395tt, 1395ww, 1396a(a)(30), and 1396(a)).

b. For § 482.12(c), the introductory paragraph is republished and new paragraph (c)(5) is added to read as follows:

#### **§ 482.12 Condition of participation: Governing body.**

(c) *Standard: Care of patients.* In accordance with hospital policy, the governing body must ensure that the following requirements are met:

(5)(i) To identify potential organ donors as defined in § 485.302 of this chapter, the hospital has written protocols that—

(A) Assure that the family of each potential organ donor knows of its option either to donate organs or tissues or to decline to donate;

(B) Encourage discretion and sensitivity with respect to the

circumstances, views and beliefs of the families of potential donors;

(C) Require that an organ procurement organization designated by the Secretary under § 485.308 of this chapter be notified of potential organ donors.

(ii) In the case of a hospital in which organ transplants are performed, the hospital must be a member of the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act and abide by its rules and requirements.

(iii) For purposes of this subparagraph, the term "organ" means a human kidney, liver, heart, lung, or pancreas.

5. 42 CFR Part 485 is amended as set forth below:

a. The authority citation for Part 485 is revised to read as follows:

Authority: Secs. 1102, 1138, 1861(aa), and (cc) and 1871 of the Social Security Act; (42 U.S.C. 1302, 1395x and 1395hh).

b. The part heading is revised and the table of contents is amended by adding a new Subpart D as follows:

#### **PART 485—CONDITIONS OF PARTICIPATION AND CONDITIONS FOR COVERAGE: SPECIALIZED PROVIDERS**

#### **Subpart D—Conditions for Coverage: Organ Procurement Organizations**

Sec.

485.301 Basis and scope.

485.302 Definitions.

485.303 Condition: Organ procurement organization qualifications—General.

485.304 Condition: Qualifications required of an organization for it to be a designated organ procurement organization.

485.305 Condition: Organ procurement and transplantation organization network participation.

485.306 Condition: Performance standards for Organ Procurement Organizations.

485.307 Failure to meet requirements.

485.308 Designation of one OPO for each service area.

c. A new Subpart D is added to read as follows:

#### **Subpart D—Conditions of Coverage: Organ Procurement Organizations**

#### **§ 485.301 Basis and scope.**

The subpart sets forth the qualifications and requirements an organ procurement organization (OPO) must meet in order for the costs of its services in procuring organs for hospitals and transplant centers to be reimbursable under Medicare and Medicaid. Its statutory basis is section



1138(b) of the Act, as added by section 9318 of Pub. L. 99-509.

**§ 485.302 Definitions.**

As used in this subpart, the following definitions apply:

"Entire standard metropolitan statistical area" means a metropolitan statistical area, a consolidated metropolitan statistical area, or a primary statistical area listed in the State and Metropolitan Area Data Book published by the U.S. Bureau of the Census.

"Organ" means a human kidney, liver, heart, lung, or pancreas.

"Organ procurement organization" means an organization that performs or coordinates the performance of retrieving, preserving and transporting organs and maintains a system of locating prospective recipients for available organs.

"Potential donor" means a person who dies in circumstances (causes and conditions of death, and age at death) that are generally acceptable for donation of at least one solid organ if the donor can be identified timely and permission for donation can be obtained.

"Service area" means a geographical area of sufficient size that (unless the service area comprises an entire State) includes at least 2.5 million in population or at least fifty potential organ donors each year and that either includes an entire standard metropolitan statistical area or does not include any part of such an area.

"Transplant center" means a hospital certified by Medicare to furnish directly, for specific organ(s), transplant and other medical and surgical specialty services required for the care of transplant patients.

**§ 485.303 Condition: Organ procurement organization qualifications—General.**

(a) Payment may be made under the Medicare and Medicaid programs for organ procurement costs attributable to payments made by an OPO only if the organization has been designated by the Secretary as an OPO, payment to which may be treated as organ procurement costs for reimbursement of hospitals under Medicare and Medicaid.

(b) To be initially designated as an OPO, an organization must:

(1) Apply to HCFA in writing using the application form prescribed by HCFA; and

(2) Meet the requirements in §§ 485.304 and 485.305.

(c) Upon designation, an OPO is certified for two years. To continue to be designated as the designated OPO as specified in paragraph (b) of this

section, the OPO must be certified by the Secretary at least every two years as meeting the performance standards in § 485.306 of this subpart and must continue to meet the requirements in §§ 485.304 and 485.305 of the subpart.

**§ 485.304 Condition: Qualifications required of an organization for it to be a designated organ procurement organization.**

To be designated by the Secretary as the OPO for its service area in accordance with § 485.303 of this subpart, an organization must at the time of application and throughout the period of its designation—

(a) By a nonprofit entity that is exempt from Federal income taxation under section 501 of the Internal Revenue Code of 1986;

(b) Have accounting and other fiscal procedures necessary to assure the fiscal stability of the organization, including procedures to obtain payment for kidneys and non-renal organs provided to transplant centers;

(c) Have an agreement with the Secretary to be reimbursed under Medicare for the procurement of covered organs;

(d) Make available to HCFA documentation of its service area. An OPO in a service area of less than 2.5 million in population must provide to HCFA quantifiable data showing that the area yields 50 or more potential donors of solid or vascular organs per year. Documentation that precisely defines the proposed service area includes the following:

(1) The names of the counties (or parishes in Louisiana) served unless the service area includes an entire State, in which case only the name of the State must be included;

(2) Geographic boundaries of the service area for which U.S. population statistics are available;

(3) Total population in service area; and

(4) The number of and the names of acute care hospitals in the service area with an operating room and the equipment and personnel to retrieve organs;

(e) Have a director and such other staff, including an organ donation coordinator and an organ procurement specialist, necessary to obtain organs effectively from donors in its service area;

(f) Have a board of directors or an advisory board that has the authority to recommend policies relating to the donation, procurement, and distribution of organs. The board of directors or advisory board must include—

(1) Members who represent hospital administrators, tissue banks, voluntary health associations in its service area and either intensive care or emergency room personnel;

(2) Members who represent the public residing in that area;

(3) A physician with knowledge, experience, or skills in the field of human histocompatibility;

(4) A neurosurgeon or another physician with knowledge or skills in the field of neurology; and

(5) A transplant surgeon from each transplant center in its service area with which the OPO has arrangements to coordinate its activities;

(g) To identify potential organ donors, have documented evidence that—(1) It has a working relationship with at least 75 percent of the hospitals that participate in the Medicare and Medicaid programs in its service area that have and that have an operating room and the equipment and personnel for retrieving organs; and

(2) It conducts systematic efforts intended to acquire all usable organs from potential donors;

(h) Arrange for the appropriate tissue typing of donated organs;

(i) Have a system to allocate donated organs among transplant centers and patients according to established medical criteria;

(j) Provide or arrange for the transportation of donated organs to transplant centers;

(k) Have arrangements to coordinate its activities with transplant centers in the area;

(l) Have arrangements to cooperate with tissue banks for the retrieval, processing, preservation, storage and distribution of tissues as may be appropriate to assure that all usable tissues are obtained from potential donors;

(m) Maintain and makes available upon request of the Secretary, the Comptroller General, or their designees data that relate to the performance standards;

(n) Maintain data in a format that can be readily used by a successor OPO and agree to turn over to the Secretary copies of all records and data necessary to assure uninterrupted service by a successor OPO newly designated by HCFA;

(o) Have a procedure for ensuring the confidentiality of patient records. Information from or copies of records may be released only to authorized individuals and the OPO must ensure that unauthorized individuals cannot gain access to or alter patient records. Original medical records may be released by the OPO only in accordance



with Federal or State laws, court orders, or subpoenas; and

(p) Conduct and participate in professional education concerning organ procurement.

**§ 485.305 Condition: Organ procurement and Transplantation Network participation.**

In order to be designated as the OPO for its service area, and to continue to be the designated OPO once designated, an OPO must be a member of, have a written agreement with, and abide by the rules and requirements of the Organ Procurement and Transplantation Network established in accordance with section 372 of the Public Health Service Act.

**§ 485.306 Condition: Performance standards for Organ Procurement Organization**

(a) HCFA will not recertify any OPO that fails to meet the following performance standards:

(1) Each OPO must procure within its service area a minimum ratio of 23 cadaveric kidneys per million population of its service area for each 12 month period surveyed.

(2) Each OPO must provide a minimum ratio of cadaveric kidneys procured in its service area and transplanted (either locally or exported and transplanted) of 19 cadaveric kidneys per million population of its service area for each 12 month period surveyed.

(3) Each OPO must enter into a working relationship with any hospital or transplant center in the OPO's service area that requests a working relationship.

(b) An OPO designated by HCFA for its service area will be exempt from meeting these performance standards for two years after initially being designated as an OPO under § 485.303 of this subpart.

**§ 485.307 Failure to meet requirements.**

(a) Failure to continue to meet any of the requirements in §§ 485.304 and 485.305 of the subpart or to meet the performance standards in § 485.306(a) of this subpart (after two years after

designation (see § 485.306(b) of this subpart)) may result in suspension of payment for costs for OPO services. HCFA will notify the OPO of its determination that the OPO has not met one or more of the requirements and provide a reasonable opportunity for correction. Continued failure to meet a requirement may result in termination of the OPO's agreement with the Secretary.

(b) An OPO whose payment is suspended or whose agreement with the Secretary is terminated may appeal the action in accordance with Part 498 of this chapter.

**§ 485.308 Designation of one OPO for each service area.**

(a) The Secretary may designate only one OPO per service area. If more than one organization applies and substantially meets the requirements of § 485.304 of this subpart in a given service area, the Secretary will consider other factors in reaching a decision concerning which organization to designate. These factors are as follows:

- (1) Prior performance, including the previous year's experience in terms of the number of organs retrieved and wasted and the average cost per organ;
- (2) Actual number of donors compared to the number of potential donors;
- (3) The nature of relationships and degree of involvement with hospitals in the organization's service area;
- (4) Bed capacity associated with the hospitals with which the organizations have a working relationship;
- (5) Willingness and ability to place organs within the service area; and
- (6) Proximity of the organization to the donor hospitals.

(b) An organization that applies to HCFA to be the designated OPO for its service area and that is not designated may appeal its nondesignation under Part 498 of this chapter.

**PART 498—APPEALS PROCEDURES FOR DETERMINATIONS THAT AFFECT PARTICIPATION IN THE MEDICARE PROGRAM**

6. 42 CFR Part 498 is amended as follows:

a. The authority citation for Part 498 continues to read as follows:

**Authority:** Secs. 205(a), 1102, 1869(c), 1871, and 1872 of the Social Security Act (42 U.S.C. 405(a), 1302, 1395ff(c), 1395hh and (1395ii), unless otherwise noted.)

b. In § 498.2, the definition of "Supplier" is revised to read as follows:

**§ 498.2 Definitions.**

As used in this part—

"Supplier" means an independent laboratory, supplier of portable X-ray services, rural health clinic (RHC), ambulatory surgical center (ASC), organ procurement organization (OPO), or end-stage renal disease (ESRD) treatment facility that is approved by HCFA as meeting the conditions for coverage of its services, and

c. In § 498.3(b), the introductory paragraph is republished and paragraph (b)(4) is revised to read as follows:

**§ 498.3 Scope and applicability.**

(b) *Initial determinations by HCFA.* HCFA makes initial determinations with respect to the following matters:

(4) Whether a prospective supplier meets the appropriate conditions for coverage of its services, as set forth in Part 405 (§ 405.152, Subpart M, N, Q, or U), Part 416, Part 485, Subpart D, or Part 491 of this chapter).

(Catalog of Federal Domestic Assistance Programs No. 13.714—Medical Assistance Program; No. 13.773, Medical—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: December 30, 1987.

**William L. Roper,**  
Administrator, Health Care Financing Administration.

Approved: February 8, 1988.

**Otis R. Bowen,**  
Secretary.

[FR Doc. 88-4431 Filed 2-29-88; 8:45 am]

BILLING CODE 4120-01-M







# Reader Aids

Federal Register

Vol. 53, No. 40

Tuesday, March 1, 1988

## INFORMATION AND ASSISTANCE

### Federal Register

Index, finding aids & general information	523-5227
Public inspection desk	523-5215
Corrections to published documents	523-5237
Document drafting information	523-5237
Machine readable documents	523-5237

### Code of Federal Regulations

Index, finding aids & general information	523-5227
Printing schedules	523-3419

### Laws

Public Laws Update Service (numbers, dates, etc.)	523-6641
Additional information	523-5230

### Presidential Documents

Executive orders and proclamations	523-5230
Public Papers of the Presidents	523-5230
Weekly Compilation of Presidential Documents	523-5230

### The United States Government Manual

General information	523-5230
---------------------	----------

### Other Services

Data base and machine readable specifications	523-3408
Guide to Record Retention Requirements	523-3187
Legal staff	523-4534
Library	523-5240
Privacy Act Compilation	523-3187
Public Laws Update Service (PLUS)	523-6641
TDD for the deaf	523-5229

## LIST OF PUBLIC LAWS

**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List February 22, 1988

## FEDERAL REGISTER PAGES AND DATES, MARCH

6115-6552 ..... 1



## TABLE OF EFFECTIVE DATES AND TIME PERIODS—MARCH 1988

This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 1	March 16	March 31	April 15	May 2	May 31
March 2	March 17	April 1	April 18	May 2	May 31
March 3	March 18	April 4	April 18	May 2	June 1
March 4	March 21	April 4	April 18	May 3	June 2
March 7	March 22	April 6	April 21	May 6	June 6
March 8	March 23	April 7	April 22	May 9	June 6
March 9	March 24	April 8	April 25	May 9	June 7
March 10	March 25	April 11	April 25	May 9	June 8
March 11	March 28	April 11	April 25	May 10	June 9
March 14	March 29	April 13	April 28	May 13	June 13
March 15	March 30	April 14	April 29	May 16	June 13
March 16	March 31	April 15	May 2	May 16	June 14
March 17	April 1	April 18	May 2	May 16	June 15
March 18	April 4	April 18	May 2	May 17	June 16
March 21	April 5	April 20	May 5	May 20	June 20
March 22	April 6	April 21	May 6	May 23	June 20
March 23	April 7	April 22	May 9	May 23	June 21
March 24	April 8	April 25	May 9	May 23	June 22
March 25	April 11	April 25	May 9	May 24	June 23
March 28	April 12	April 27	May 12	May 27	June 27
March 29	April 13	April 28	May 13	May 31	June 27
March 30	April 14	April 29	May 16	May 31	June 28
March 31	April 15	May 2	May 16	May 31	June 29



# APPENDIX - LIST OF NAMES

NAME	DATE	PLACE	REMARKS
1. J. A. Smith	1890	1890	
2. J. B. Jones	1891	1891	
3. J. C. Brown	1892	1892	
4. J. D. White	1893	1893	
5. J. E. Black	1894	1894	
6. J. F. Green	1895	1895	
7. J. G. Hall	1896	1896	
8. J. H. King	1897	1897	
9. J. I. Lee	1898	1898	
10. J. J. Scott	1899	1899	
11. J. K. Adams	1900	1900	
12. J. L. Baker	1901	1901	
13. J. M. Campbell	1902	1902	
14. J. N. Evans	1903	1903	
15. J. O. Fisher	1904	1904	
16. J. P. Gibson	1905	1905	
17. J. Q. Harris	1906	1906	
18. J. R. Ingram	1907	1907	
19. J. S. Jordan	1908	1908	
20. J. T. Kelly	1909	1909	
21. J. U. Lester	1910	1910	
22. J. V. Martin	1911	1911	
23. J. W. Nelson	1912	1912	
24. J. X. Oliver	1913	1913	
25. J. Y. Parker	1914	1914	
26. J. Z. Quinn	1915	1915	
27. J. A. Reed	1916	1916	
28. J. B. Shaw	1917	1917	
29. J. C. Taylor	1918	1918	
30. J. D. Vance	1919	1919	
31. J. E. Warren	1920	1920	
32. J. F. Wright	1921	1921	
33. J. G. Young	1922	1922	
34. J. H. Ziegler	1923	1923	
35. J. I. Allen	1924	1924	
36. J. J. Baker	1925	1925	
37. J. K. Campbell	1926	1926	
38. J. L. Evans	1927	1927	
39. J. M. Fisher	1928	1928	
40. J. N. Gibson	1929	1929	
41. J. O. Harris	1930	1930	
42. J. P. Ingram	1931	1931	
43. J. Q. Jordan	1932	1932	
44. J. R. Kelly	1933	1933	
45. J. S. Lester	1934	1934	
46. J. T. Martin	1935	1935	
47. J. U. Nelson	1936	1936	
48. J. V. Oliver	1937	1937	
49. J. W. Parker	1938	1938	
50. J. X. Quinn	1939	1939	
51. J. Y. Reed	1940	1940	
52. J. Z. Shaw	1941	1941	
53. J. A. Taylor	1942	1942	
54. J. B. Vance	1943	1943	
55. J. C. Warren	1944	1944	
56. J. D. Wright	1945	1945	
57. J. E. Young	1946	1946	
58. J. F. Ziegler	1947	1947	
59. J. G. Allen	1948	1948	
60. J. H. Baker	1949	1949	
61. J. I. Campbell	1950	1950	
62. J. J. Evans	1951	1951	
63. J. K. Fisher	1952	1952	
64. J. L. Gibson	1953	1953	
65. J. M. Harris	1954	1954	
66. J. N. Ingram	1955	1955	
67. J. O. Jordan	1956	1956	
68. J. P. Kelly	1957	1957	
69. J. Q. Lester	1958	1958	
70. J. R. Martin	1959	1959	
71. J. S. Nelson	1960	1960	
72. J. T. Oliver	1961	1961	
73. J. U. Parker	1962	1962	
74. J. V. Quinn	1963	1963	
75. J. W. Reed	1964	1964	
76. J. X. Shaw	1965	1965	
77. J. Y. Taylor	1966	1966	
78. J. Z. Vance	1967	1967	
79. J. A. Warren	1968	1968	
80. J. B. Wright	1969	1969	
81. J. C. Young	1970	1970	
82. J. D. Ziegler	1971	1971	
83. J. E. Allen	1972	1972	
84. J. F. Baker	1973	1973	
85. J. G. Campbell	1974	1974	
86. J. H. Evans	1975	1975	
87. J. I. Fisher	1976	1976	
88. J. J. Gibson	1977	1977	
89. J. K. Harris	1978	1978	
90. J. L. Ingram	1979	1979	
91. J. M. Jordan	1980	1980	
92. J. N. Kelly	1981	1981	
93. J. O. Lester	1982	1982	
94. J. P. Martin	1983	1983	
95. J. Q. Nelson	1984	1984	
96. J. R. Oliver	1985	1985	
97. J. S. Parker	1986	1986	
98. J. T. Quinn	1987	1987	
99. J. U. Reed	1988	1988	
100. J. V. Shaw	1989	1989	
101. J. W. Taylor	1990	1990	
102. J. X. Vance	1991	1991	
103. J. Y. Warren	1992	1992	
104. J. Z. Wright	1993	1993	
105. J. A. Young	1994	1994	
106. J. B. Ziegler	1995	1995	
107. J. C. Allen	1996	1996	
108. J. D. Baker	1997	1997	
109. J. E. Campbell	1998	1998	
110. J. F. Evans	1999	1999	
111. J. G. Fisher	2000	2000	
112. J. H. Gibson	2001	2001	
113. J. I. Harris	2002	2002	
114. J. J. Ingram	2003	2003	
115. J. K. Jordan	2004	2004	
116. J. L. Kelly	2005	2005	
117. J. M. Lester	2006	2006	
118. J. N. Martin	2007	2007	
119. J. O. Nelson	2008	2008	
120. J. P. Oliver	2009	2009	
121. J. Q. Parker	2010	2010	
122. J. R. Quinn	2011	2011	
123. J. S. Reed	2012	2012	
124. J. T. Shaw	2013	2013	
125. J. U. Taylor	2014	2014	
126. J. V. Vance	2015	2015	
127. J. W. Warren	2016	2016	
128. J. X. Wright	2017	2017	
129. J. Y. Young	2018	2018	
130. J. Z. Ziegler	2019	2019	
131. J. A. Allen	2020	2020	
132. J. B. Baker	2021	2021	
133. J. C. Campbell	2022	2022	
134. J. D. Evans	2023	2023	
135. J. E. Fisher	2024	2024	
136. J. F. Gibson	2025	2025	
137. J. G. Harris	2026	2026	
138. J. H. Ingram	2027	2027	
139. J. I. Jordan	2028	2028	
140. J. J. Kelly	2029	2029	
141. J. K. Lester	2030	2030	
142. J. L. Martin	2031	2031	
143. J. M. Nelson	2032	2032	
144. J. N. Oliver	2033	2033	
145. J. O. Parker	2034	2034	
146. J. P. Quinn	2035	2035	
147. J. Q. Reed	2036	2036	
148. J. R. Shaw	2037	2037	
149. J. S. Taylor	2038	2038	
150. J. T. Vance	2039	2039	
151. J. U. Warren	2040	2040	
152. J. V. Wright	2041	2041	
153. J. W. Young	2042	2042	
154. J. X. Ziegler	2043	2043	
155. J. Y. Allen	2044	2044	
156. J. Z. Baker	2045	2045	
157. J. A. Campbell	2046	2046	
158. J. B. Evans	2047	2047	
159. J. C. Fisher	2048	2048	
160. J. D. Gibson	2049	2049	
161. J. E. Harris	2050	2050	
162. J. F. Ingram	2051	2051	
163. J. G. Jordan	2052	2052	
164. J. H. Kelly	2053	2053	
165. J. I. Lester	2054	2054	
166. J. J. Martin	2055	2055	
167. J. K. Nelson	2056	2056	
168. J. L. Oliver	2057	2057	
169. J. M. Parker	2058	2058	
170. J. N. Quinn	2059	2059	
171. J. O. Reed	2060	2060	
172. J. P. Shaw	2061	2061	
173. J. Q. Taylor	2062	2062	
174. J. R. Vance	2063	2063	
175. J. S. Warren	2064	2064	
176. J. T. Wright	2065	2065	
177. J. U. Young	2066	2066	
178. J. V. Ziegler	2067	2067	
179. J. W. Allen	2068	2068	
180. J. X. Baker	2069	2069	
181. J. Y. Campbell	2070	2070	
182. J. Z. Evans	2071	2071	
183. J. A. Fisher	2072	2072	
184. J. B. Gibson	2073	2073	
185. J. C. Harris	2074	2074	
186. J. D. Ingram	2075	2075	
187. J. E. Jordan	2076	2076	
188. J. F. Kelly	2077	2077	
189. J. G. Lester	2078	2078	
190. J. H. Martin	2079	2079	
191. J. I. Nelson	2080	2080	
192. J. J. Oliver	2081	2081	
193. J. K. Parker	2082	2082	
194. J. L. Quinn	2083	2083	
195. J. M. Reed	2084	2084	
196. J. N. Shaw	2085	2085	
197. J. O. Taylor	2086	2086	
198. J. P. Vance	2087	2087	
199. J. Q. Warren	2088	2088	
200. J. R. Wright	2089	2089	
201. J. S. Young	2090	2090	
202. J. T. Ziegler	2091	2091	
203. J. U. Allen	2092	2092	
204. J. V. Baker	2093	2093	
205. J. W. Campbell	2094	2094	
206. J. X. Evans	2095	2095	
207. J. Y. Fisher	2096	2096	
208. J. Z. Gibson	2097	2097	
209. J. A. Harris	2098	2098	
210. J. B. Ingram	2099	2099	
211. J. C. Jordan	2100	2100	
212. J. D. Kelly	2101	2101	
213. J. E. Lester	2102	2102	
214. J. F. Martin	2103	2103	
215. J. G. Nelson	2104	2104	
216. J. H. Oliver	2105	2105	
217. J. I. Parker	2106	2106	
218. J. J. Quinn	2107	2107	
219. J. K. Reed	2108	2108	
220. J. L. Shaw	2109	2109	
221. J. M. Taylor	2110	2110	
222. J. N. Vance	2111	2111	
223. J. O. Warren	2112	2112	
224. J. P. Wright	2113	2113	
225. J. Q. Young	2114	2114	
226. J. R. Ziegler	2115	2115	
227. J. S. Allen	2116	2116	
228. J. T. Baker	2117	2117	
229. J. U. Campbell	2118	2118	
230. J. V. Evans	2119	2119	
231. J. W. Fisher	2120	2120	
232. J. X. Gibson	2121	2121	
233. J. Y. Harris	2122	2122	
234. J. Z. Ingram	2123	2123	
235. J. A. Jordan	2124	2124	
236. J. B. Kelly	2125	2125	
237. J. C. Lester	2126	2126	
238. J. D. Martin	2127	2127	
239. J. E. Nelson	2128	2128	
240. J. F. Oliver	2129	2129	
241. J. G. Parker	2130	2130	
242. J. H. Quinn	2131	2131	
243. J. I. Reed	2132	2132	
244. J. J. Shaw	2133	2133	
245. J. K. Taylor	2134	2134	
246. J. L. Vance	2135	2135	
247. J. M. Warren	2136	2136	
248. J. N. Wright	2137	2137	
249. J. O. Young	2138	2138	
250. J. P. Ziegler	2139	2139	
251. J. Q. Allen	2140	2140	
252. J. R. Baker	2141	2141	
253. J. S. Campbell	2142	2142	
254. J. T. Evans	2143	2143	
255. J. U. Fisher	2144	2144	
256. J. V. Gibson	2145	2145	
257. J. W. Harris	2146	2146	
258. J. X. Ingram	2147	2147	
259. J. Y. Jordan	2148	2148	
260. J. Z. Kelly	2149	2149	
261. J. A. Lester	2150	2150	
262. J. B. Martin	2151	2151	
263. J. C. Nelson	2152	2152	
264. J. D. Oliver	2153	2153	
265. J. E. Parker	2154	2154	
266. J. F. Quinn	2155	2155	
267. J. G. Reed	2156	2156	
268. J. H. Shaw	2157	2157	
269. J. I. Taylor	2158	2158	
270. J. J. Vance	2159	2159	
271. J. K. Warren	2160	2160	
272. J. L. Wright	2161	2161	
273. J. M. Young	2162	2162	
274. J. N. Ziegler	2163	2163	
275. J. O. Allen	2164	2164	
276. J. P. Baker	2165	2165	
277. J. Q. Campbell	2166	2166	
278. J. R. Evans	2167	2167	
279. J. S. Fisher	2168	2168	
280. J. T. Gibson	2169	2169	
281. J. U. Harris	2170	2170	
282. J. V. Ingram	2171	2171	
283. J. W. Jordan	2172	2172	
284. J. X. Kelly	2173	2173	
285. J. Y. Lester	2174	2174	
286. J. Z. Martin	2175	2175	
287. J. A. Nelson	2176	2176	
288. J. B. Oliver	2177	2177	
289. J. C. Parker	2178	2178	
290. J. D. Quinn	2179	2179	
291. J. E. Reed	2180	2180	
292. J. F. Shaw	2181	2181	
293. J. G. Taylor	2182	2182	
294. J. H. Vance	2183	2183	
2			



15-1-5  
15-1-5  
15-1-5